

PREFACE

This General Policy and Procedure Manual is written to be consistent with the Vision, Values and Missions of the Lubbock Police Department as well as the Law Enforcement Code of Ethics.

Vision: Promote safety and security for the communities of Lubbock by protecting life and property, utilizing best practices to reduce crime and the fear of crime throughout our neighborhoods and business districts and enhancing public safety and service through effective private and public sector partnerships.

Values:

- ❖ **Service** – engaging the community by assisting people, especially those in crisis or in need of police assistance, emphasizing respect, honesty and empathy
- ❖ **Accountability** – obligation and willingness to accept and take responsibility for one's actions, proactively and reactively, publicly and internally
- ❖ **Integrity** – having strong principles, holding one's self to the highest of standards and choosing right actions even when no one is watching
- ❖ **Leadership** – guiding and influencing people by word and example to accomplish shared goals and achieve excellence

Missions:

- ❖ Actively engage in community policing tactics by:
 - Perpetual partnering with the community and other public entities
 - Promoting proactive, preventive policing
 - Emphasizing community involvement and relationships to affect crime
- ❖ Utilize best practices and modern policing strategies by:
 - Pursuing and using web-based and electronic technologies
 - Providing and utilizing timely and accurate information and intelligence
 - Integrating geographic policing models and response systems
- ❖ Promote legitimacy and social justice by:
 - Proactively and ethically engaging with the public and our workforce
 - Promoting transparency, openness and honesty
 - Emphasizing accountability and responsibility at all ranks and assignments
- ❖ Provide a positive work environment by:
 - Recruiting, hiring and retaining the best workforce possible
 - Developing leaders and leadership at all levels
 - Building a diverse police force representative of the communities it serves

LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all, and will conduct myself in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I KNOW that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I WILL constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...**LAW ENFORCEMENT.**

LEGAL DISCLAIMER

This General Policy and Procedure Manual is for departmental use only and does not apply in any criminal or civil proceeding. Nothing in the policy is intended to create nor does create an enforceable legal right or private right of action. Department policy should not be construed as creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this policy will only form the basis for department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 1

1.00 ADMINISTRATIVE PROCEDURES

1.00.001 PURPOSE: To provide guidelines for conducting and regulating certain administrative activities within the Lubbock Police Department.

1.00.002 POLICY. The Lubbock Police Department conducts and regulates administrative procedures with fairness, consistency and efficiency; and in accordance with appropriate local, state and federal requirements.

1.01 WRITTEN COMMUNICATIONS

1.01.001 STANDARD ABBREVIATIONS in Lubbock Police Department written communications include the following:

Lubbock Police Department – “LPD”

City of Lubbock – “COL” or “City”

Chief of Police – “Chief”

Assistant Police Chief – “Assistant Chief,” “Asst. Chief” or “A/C”

Captain – “Capt.”

Lieutenant – “Lt.”

Sergeant – “Sgt.”

Detective – “Det.”

Corporal – “Cpl.”

Patrol Officer – “Ptl. Ofc.” “Ofc.” or “P/O”

These abbreviations should not be used in external communications without first referencing them in full.

1.01.002 GENERAL POLICY AND PROCEDURE MANUAL includes LPD administrative and operational policies and procedures and is issued and authorized only by the Chief. This publication may be referred to informally as the LPD “General Manual.” Staff will keep their General Manual current with periodic revisions and will not release any part of it to the public unless required by law or authorized by the Chief or an Assistant Chief.

1.01.003 RULES are specific policies at the end of the General Manual which address specific conduct of sworn and civilian staff. They may be referred to informally as LPD “Rules.”

- 1.01.004** **UNIFORM REGULATIONS MANUAL** establishes policies and protocols for uniform and associated equipment acquisition, wear, maintenance and replacement. The LPD Uniform Regulations Manual is a supplement publication to the General Manual. Staff will keep their Uniform Regulations Manual current with periodic revisions.
- 1.01.005** **STANDARD OPERATING PROCEDURES** establish administrative and operational policies and procedures for individual Divisions within the LPD and are issued and authorized by those Division Commanders with approval of Bureau Chiefs. These publications may be referred to informally as an LPD “SOP” and will not conflict with the General Manual or Uniform Regulations Manual, or COL policy.
- 1.01.006** **SPECIAL ORDERS** may be issued by supervisors to direct subordinates to perform specific tasks. The Chief may issue Special Orders to modify LPD policies, procedures, rules or uniform regulations. Assistant Chiefs and commanders may issue Special Orders to modify SOPs for which they are responsible.
- 1.01.007** **MEMORANDUMS** communicate with City personnel. Special Orders, commendations, disciplinary actions, etc., will be written in memorandum format. All memorandums will be composed in accordance with COL policy.
- 1.01.008** **LETTERS** communicate with persons outside the City organization. All letters will be composed in accordance with COL policy. Persons typing letters will keep copies on file for one year.

1.02 LPD ORGANIZATIONAL STRUCTURE

- 1.02.001** **RANK.** The rank structure of the LPD, in accordance to Local Civil Service rules, is as follows:
- A. **CHIEF OF POLICE.** The Chief of Police directs all matters of the LPD and holds ultimate responsibility for the same. The Chief shall devote all efforts to the benefit of the department and its employees and shall not be absent from the City, except in the performance of official duties, unless on leave or regular time off.
 - B. **ASSISTANT POLICE CHIEF.** Assistant Police Chiefs are responsible for the overall operational activities of the LPD and are the personnel managers of the department. An Assistant Chief shall be named as the Acting Chief of Police when the Chief is absent from the City or is otherwise unavailable for duty. Assistant Chiefs may also be referred to as Bureau Chiefs.

- C. **CAPTAIN.** Captains are Commanding Officers and are responsible for geographic or functional operations and administrative matters. Captains will concern themselves with the development, morale, discipline and performance of their subordinates.
- D. **LIEUTENANT.** Lieutenants assist Captains and are also Commanding Officers. Lieutenants may be assigned full command over smaller Divisions.
- E. **SERGEANT.** The rank of Sergeant is a pivotal role within the LPD. The success of the department depends upon Sergeants providing strong, positive leadership across the organization. Sergeants supervise the day-to-day activities of the LPD and are accountable for those they supervise.
- F. **DETECTIVE/CORPORAL.** The ranks of Detective and Corporal are equal in pay and status but are not synonymous. Detectives investigate crimes and perform related duties. Corporals are assigned throughout the department and assist Sergeants with supervisory duties.
- G. **PATROL OFFICER.** Patrol Officers are generalists typically assigned to patrol duties. They may be assigned to specialized functions, investigative roles or similar duties on a rotational or permanent basis according to their aptitude and proven performance.

1.02.002 GENERAL TERMS. The terms “officer” and “LPD officer” includes sworn LPD personnel of all ranks in most contexts. Unless denoting specific positions, the term “commander” refers generally to sworn LPD personnel holding the rank of Lieutenant or higher. The term “supervisor” applies to Sergeants and above as well as civilian supervisory personnel. The term “Telecommunicator” refers generally to state-certified dispatchers. The terms “staff” and “employee” include all sworn, certified and civilian employees unless otherwise noted, and are non-salaried as defined by COL policy unless otherwise noted.

Civilian supervisors will not exercise *operational* law enforcement supervision over sworn personnel, but may give *administrative* direction related to their particular assignment.

1.02.003 BUREAUS AND EXECUTIVE STAFF. The LPD includes three foundational Bureaus: the Support Services Bureau, the Investigation Services Bureau and the Field Services Bureau. Bureaus are led by Assistant Chiefs who, along with the Chief, comprise the LPD Executive Staff. Executive Staff are salaried as defined by COL policy. LPD departmental goals and objectives in furtherance of the LPD’s Vision, Values and Missions are set at the Bureau level.

- 1.02.004 DIVISIONS AND COMMAND STAFF.** Each Bureau includes two or more Divisions commanded by Captains or Lieutenants who, along with civilian managers, comprise the LPD Command Staff. Organizational charts are periodically promulgated to identify Divisions and establish reporting roles and responsibilities. Strategic plans are developed and implemented at the Division level to meet departmental goals and objectives.
- 1.02.005 UNITS AND WATCHES.** Divisions are comprised of functional work Units and patrol Watches commanded by Lieutenants. Organizational charts are periodically promulgated to identify Units and Watches and establish reporting roles and responsibilities. Tactical and technical activities to carry out strategic Division plans are organized and assigned at the Unit and Watch level. Civilian Work Centers are equivalent to Units.
- 1.02.006 SQUADS.** Units and Watches are organized into Squads of Detectives, Corporals and Patrol Officers. Sergeants, who are the first-line supervisors of the LPD, lead Squads. Organizational charts are periodically promulgated to identify Squad members and assigned supervisors. Tactical and technical activities are performed by Squads throughout the LPD.
- 1.03 PERSONNEL PRACTICES**
- 1.03.001 POLICY.** The LPD bases personnel actions on either COL policy or state and local Civil Service regulations, as applicable. Prohibitions, procedures or requirements included in those are incorporated into LPD policies, procedures and rules.
- 1.03.002 AUTHORITY TO DISCIPLINE.** Any supervisor may write a memorandum of commendation, reprimand or documented counseling to any subordinate employee. Supervisors not in an employee's chain-of-command should confer with a supervisor in the employee's regular chain-of-command before writing these. Civilian supervisors will refer disciplinary issues involving sworn personnel to sworn supervisors.
- 1.03.003 CIVIL SERVICE APPEALS.** Non-probationary sworn staff may appeal personnel actions according to state and local Civil Service regulations.
- 1.03.004 GRIEVANCES AND APPEALS.** Employees will file these according to COL policy.
- 1.03.005 WRITTEN RESPONSE TO INFORMATION IN PERSONNEL FILES.** Sworn staff may file a written response to negative information placed in their personnel files according to state and local Civil Service regulations

and COL policy. Civilian staff may file a written response to negative information placed in their personnel files according to COL policy.

1.04 ADMINISTRATIVE RECORDS/INFORMATION

1.04.001 ATTENDANCE RECORDS. All attendance records (overtime, compensatory time, paid leave, etc.) must be entered into the LPD's automated payroll system by the end of Saturday of the week in which they are accrued or taken.

Supervisors must ensure approval of all subordinate attendance records weekly in the LPD's automated payroll system by the end of each Saturday. If a supervisor will be unavailable to do so, they must make prior arrangements to ensure such approval occurs. Supervisors are accountable and responsible for their immediate subordinates' compliance as well as their own compliance with this policy.

Division Commanders and civilian managers will ensure that all attendance records are accurate prior to final submission and processing. They are ultimately responsible for payroll and attendance record accuracy, regardless of who actually completes payroll documentation.

Any exceptions to this policy must be approved by Executive or Command Staff and will be considered case by case.

1.04.002 ACTIVITY SUMMARIES identify and describe all significant LPD incidents. Regular Activity Summaries are auto-generated and auto-publicized throughout the shifts. In addition, before the end of their watch, Watch Commanders will have Activity Summaries of officer-safety and important crime information (homicides, major crimes, crime sprees, etc.) emailed department-wide via the city's email system. Any public release of Activity Summary emails as well as the information therein must be coordinated with the Chief's Public Relations Unit, or with the approval of Watch Commanders if the information is a matter of public safety.

1.04.003 PERSONNEL RECORDS. Staff will not release any personnel records (employee's photograph, personal information, phone numbers, addresses, lists of employees, etc.) to persons outside the LPD without the Chief's approval.

1.05 SALARY AND OTHER COMPENSATION

1.05.001 OVERTIME/COMPENSATORY TIME. Non-salaried staff may select overtime or compensatory time as specified in COL policy. They will submit

overtime or compensatory time in compliance with General Manual Chapter 1.04.001.

1.05.002 COURT APPEARANCE FEES. Employees will not accept court appearance fees (i.e., witness fees, jury duty payments, per diem, etc.) when the City otherwise compensates them for their appearance (i.e., paid leave, regular duty time, overtime/comp. time, etc.) Employees may elect to receive either court appearance fees or City compensation, but may not receive both. Employees electing to receive City compensation will submit court appearance fees to the Support Services Bureau Administrative Assistant for deposit in the General Fund.

1.05.003 TEMPORARY ASSIGNMENT IN HIGHER CLASSIFICATION. The Chief may approve employees in the next lower classification to temporarily perform the duties of a higher classified employee at the base pay rate for the higher classification. Eligibility for assignment pay is based on the actual performance of specific duties, not merely the absence of a higher classified employee. Service time will be figured to the nearest hour.

1.06 OUT-OF-TOWN TRAVEL

1.06.001 POLICY. Officers may need to leave the city limits for operational reasons and may do so for short periods of time without filing travel authorization forms, but only with appropriate authorization. Otherwise, all employees will follow COL policies as well as this policy regarding out-of-town travel.

No LPD employee is authorized to travel on-duty or for official COL business until they have a "City of Lubbock Travel Authorization" form signed and approved by the Chief, barring the above exception.

1.06.002 TRAVEL ARRANGEMENTS AND APPROVAL. Travel arrangements must be made as far in advance as possible and according to COL travel policy.

The steps in travel arrangements and approval are:

- A. Staff will submit travel requests to their supervisor at least 30 days before departure when possible. Staff should not book travel arrangements or pay associated costs until they receive supervisor approval.
- B. Supervisors should consult with the Logistics and Finance Division before giving approval. They will submit approved travel requests to their Bureau Administrative Assistant along with all required supporting documentation needed.

- C. Administrative Assistants will know the COL travel policy, are tasked with completing the travel packets ("City of Lubbock Travel Authorization" forms, "City of Lubbock Travel Expense Report", etc.), and will submit them to their Bureau Chief for approval once completed.
- D. Bureau Chiefs will forward approved travel packets to the Support Services Bureau Management Assistant for the Chief's signature and approval.
- E. The Support Services Bureau Management Assistant is vested with the authority of making final determinations on travel costs and approvals prior to the Chief's signature and approval. Any rejected packets and/or forms will be corrected by staff in a timely manner as determined by the Management Assistant prior to the Chief's signature and approval.
- F. Upon returning from approved travel, staff will reconcile travel expenses as soon as possible and submit approval paperwork in the same manner described above.

1.06.003 MODE OF TRANSPORTATION. For travel beyond 300 miles and for short durations, flying may be more efficient than driving. Commanders may approve air travel with at least two weeks advance planning, and Assistant Chiefs may approve air travel within two weeks of travel. Officers needing to fly armed will do so only in accordance with Section 1.07 of the General Manual. Rental cars may be approved only if necessary, justified and according to COL travel policy.

1.06.004 EXIGENT TRAVEL. Travel arrangements and approval under 1.06.002 for exigent travel approved by the Chief may be completed during or after the exigent travel is completed.

1.07 FLYING ARMED

1.07.001 POLICY. The LPD recognizes that there are occasions when officers have a need to fly while armed via commercial air lines while in the performance of their duties. The LPD will authorize its officers to fly while armed when appropriate. Officers will ensure that they meet all federal regulations and requirements for flying armed before submitting a request to do so. If the Chief authorizes their request to fly armed, officers will comply with all laws, regulations and airline policies pertaining to law enforcement officers flying while armed.

1.07.002 REQUESTS TO FLY ARMED must be submitted on the approved, current form. The request must be made as far in advance as possible and must

be submitted via the requesting officer's chain-of-command. Only the Chief or Acting Chief of Police may approve officers to fly armed.

Requests to fly armed will NOT be made directly through Communications.

1.08 RECEIPTS

1.08.001 MONEY/FUNDS. Employees will use appropriate forms to record money received in relation to their duties and will process funds according to LPD or COL policy.

1.08.002 PROPERTY. Officers will issue the proper LPD form when taking property not seized as evidence.

1.09 PAID LEAVE

1.09.001 POLICY. Staff leave is administered according to COL policy.

1.09.002 SICK LEAVE COMPUTATION. Duty days are divided into quarter-hour segments. Employees present for any part of a quarter-hour segment get credit for working the entire segment.

1.09.003 INJURY LEAVE. Unit or Watch Commanders will have injuries reported to Risk Management within 24 hours. They will report staff returning to duty from injury leave and submit any required documentation.

1.09.004 VACATION LEAVE. Vacation time may be taken in half-workday increments with commander approval. Otherwise, vacation time must be taken in whole workdays. Commanders may require employees to take whole workweek increments of vacation time to better manage staffing.

1.09.005 HOLIDAYS are whole days, regardless of how many hours an employee typically works each day. Officers should not take floating holidays on "short" days included in their regular schedule.

1.10 INJURY LEAVE AND TEMPORARY LIMITED DUTY

1.10.001 PURPOSE: To further explain COL policy for injury leave and temporary limited duty positions, and to assign responsibilities under that policy.

1.10.002 POLICY. The LPD follows COL policy for injury leave and temporary limited duty. Temporary limited duty may also be referred to as "light" duty.

1.10.003 ON-DUTY INJURIES. Employees injured on-duty will follow the policies and protocols of COL Risk Management as well as the procedures below:

A. **INJURY LEAVE** is allowed when an employee suffers a work-related injury. The following procedures will be implemented with regard to injury leave:

1. Immediate supervisors of employees on injury leave will call the employees weekly to check their condition and general prognoses. They will update their chain-of-command on employees' statuses.
2. Such employees will stay available for their supervisors' calls. They will inform supervisors of their general prognoses and time frame on expected return to full or light duty.
3. Supervisors should suggest such employees return to full or light duty as soon as they believe an employee's condition has improved enough for doctor approval.
4. Such employees will obtain completed and signed Texas Workers' Compensation Work Status Reports from their doctor after each visit. Employees will provide copies to their immediate supervisor within one day of the visit.
5. Supervisors will inform their chain-of-command when they receive Work Status Reports showing employees may return to full or light duty with or without restrictions on a certain date.
6. Such employees may not return to full or light duty unless approved by their doctor on a completed and signed Texas Workers' Compensation Work Status Report documenting any work restrictions.

B. **LIGHT DUTY** should be offered to employees when they are able to return to work and safely perform at least some job functions. For employees injured on-duty, the following procedures will be followed:

1. There are a restricted number of positions in the LPD suitable for light duty, for which employees injured on-duty receive preference. Assignments may change at any time with doctor approval when best for the LPD or employee.
2. The LPD will not make new positions nor designate existing positions exclusively for light duty. Assignments to other City departments may be necessary if no light duty positions are available in the LPD.

3. Light duty is restricted to 180 days. Assistant Chiefs may approve up to 90 days; City Manager approval and a favorable prognosis for return to full duty is required for the additional 90 days.
4. The employee's Assistant Chief will identify any light duty positions available in the LPD or, if none are available, will ask Human Resources to identify positions available in other City departments. The Assistant Chief will obtain job descriptions for those positions and send this information to the employee through their supervisor.
5. Supervisors will offer light duty assignments to employees and will provide them with job descriptions for any available light duty positions and a Texas Workers' Compensation Work Status Report form.
6. Employees will take this information to their doctor and ask for approval, indicated by the completed and signed Work Status Report, to return to light duty. If approved, employees will submit completed Work Status Reports to their supervisor who will send them to their Assistant Chief for final approval and assignment.
7. The immediate supervisor will complete a Limited Duty Offer according to instructions available from the Risk Management Coordinator, make the restricted job offer to the employee and ensure all paperwork is filed correctly in accordance with COL and Risk Management policies.
8. Officers on light duty will not wear their LPD uniform or openly display their badge and handgun unless approved by their Assistant Chief. Officers should avoid any enforcement action unrelated to their light duty positions unless immediately necessary to protect themselves or others from death or serious injury.
9. Employees may not return to full duty unless approved by their doctor on a completed and signed Texas Workers' Compensation Work Status Report documenting the employee's work restrictions, even if the condition is not covered under Workers' Compensation.

1.10.004 OFF-DUTY INJURIES. Employees injured off-duty to the degree that such injury will interfere with their ability to safely perform their job functions will have their immediate supervisor notified as soon as possible. They will follow the procedures below with regard to missing work and returning to work on limited or restricted duty:

A. **LEAVE.** Injury leave is not available for officers injured off-duty.

- B. **LIGHT DUTY.** Employees injured off-duty may request to return to work on light duty when they are safely able to perform at least some job functions. The following procedures will be implemented with regard to light duty for employees injured off-duty:
1. There are a restricted number of positions in the LPD suitable for light duty, for which employees injured on-duty receive preference. Assignments may change at any time with doctor approval when best for the LPD or employee.
 2. The LPD will not make new positions nor designate existing positions exclusively for light duty. Assignments to other City departments may be necessary if no light duty positions are available in the LPD.
 3. Light duty is restricted to 180 days. Assistant Chiefs may approve up to 90 days; City Manager approval and a favorable prognosis for return to full duty is required for the additional 90 days.
 4. Employees injured off-duty may request light duty assignments through their immediate supervisor. They will ask their supervisor for a Texas Workers' Compensation Work Status Report form and job descriptions for any available limited duty positions.
 5. Supervisors will send light duty requests through their chain-of-command to the employee's Assistant Chief.
 6. The employee's Assistant Chief will identify any light duty positions available in the LPD or, if none are available, will ask Human Resources to identify positions available in other City departments. The Assistant Chief will obtain job descriptions for those positions and send this information to the employee through their supervisor.
 7. Employees will take this information to their doctor and ask for approval, indicated by the completed and signed Work Status Report, to return to light duty. If approved, employees will submit completed Work Status Reports to their supervisor who will send them to their Assistant Chief for final approval and assignment.
 8. Officers on light duty will not wear their LPD uniform or openly display their badge and handgun unless approved by their Assistant Chief. Officers should avoid any enforcement action unrelated to their light duty positions unless immediately necessary to protect themselves or others from death or serious injury.
 9. Employees may not return to full duty unless approved by their doctor on a completed and signed Texas Workers' Compensation Work

Status Report documenting the employee's work restrictions, even if the condition is not covered under Workers' Compensation.

1.11 ASSISTING OTHER AGENCIES

1.11.001 POLICY. The LPD recognizes the need to assist other agencies in certain situations. The LPD will consider these requests and may authorize personnel to respond if the assistance will not hinder LPD operations. Officers assisting other law enforcement agencies will, in all situations, follow LPD chain-of-command, policies, procedures, rules and proper orders.

1.11.002 OPERATIONS OUTSIDE CITY LIMITS. Only Executive and Command Staff may authorize sending officers to assist other law enforcement agencies outside the City limits as needed and within the regulations established by the LPD General Manual. An LPD commander will accompany officers in such situations outside the city limits. These situations may include operations established by properly-executed agreements or multi-agency task forces.

1.11.003 OPERATIONS INSIDE CITY LIMITS. Executive or Command Staff, or operations established by properly-executed agreements or multi-agency task forces, may allow the LPD to assist other law enforcement agencies inside the city limits as needed and within the regulations established by the LPD General Manual.

1.11.004 SITUATION CONTROL. Officers may assist and support according to direction from the requesting agency and within the regulations established by the LPD General Manual. LPD will assume control only when a requesting agency asks and an LPD commander authorizes.

1.11.005 ASSISTANCE DISCONTINUED. LPD assistance will end when it is no longer needed; when officers are more urgently needed elsewhere; or when requesting agencies violate or compromise LPD policies, procedures, rules or proper orders. On-scene LPD commanders should discontinue assistance if they believe decisions by requesting agencies unnecessarily create dangerous or unethical situations.

1.12 TRAINING

1.12.001 POLICY. The LPD recognizes the complexities officers and civilian employees face with procedures, rules, tactics and statutory and case law. The citizens of Lubbock expect, and deserve, professional Peace Officers, Telecommunicators and civilian employees trained to deal with those

complexities. The LPD supports its employees and the citizens of Lubbock by providing necessary training. The LPD complies with and, when possible, exceeds minimum training requirements.

- 1.12.002 NOTIFICATIONS.** Academy staff will send notices of outside training opportunities to the appropriate Executive and Command Staff. Academy staff will keep them informed of their officers' compliance with required training. Commanders should notify the Academy before their officers attend training not coordinated through the Academy. The Information Systems Division Commander will manage and coordinate training for Telecommunicators in collaboration with Academy staff.
- 1.12.003 TRAINING CERTIFICATES.** Officers and Telecommunicators will send copies of these to the Academy not more than two weeks after any training not conducted at the Academy. The Texas Commission on Law Enforcement (TCOLE) will not accept training reports more than 30 days after the training.
- 1.12.004 ATTENDANCE.** Sworn officers will notify their supervisors and Academy staff when they cannot attend assigned training. Supervisors will confirm this with Academy staff as soon as possible.
- 1.12.005 RESPONSIBILITY.** The LPD, as well as each officer and Telecommunicator, have a shared responsibility for training. However, TCOLE rules place the burden upon each individual Peace Officer and Telecommunicator to ensure they obtain the minimum training hours required to maintain their own Peace Officer or Telecommunicator license, and the LPD places that ultimate responsibility upon each individual Peace Officer and Telecommunicator accordingly.

1.13 ASSIGNMENT AND TRANSFER PROCESS

- 1.13.001 PURPOSE:** To set guidelines for assignments and transfers.
- 1.13.002 POLICY.** The LPD strives to develop a police force with experienced officers and civilian employees in various aspects of law enforcement throughout the organization and across all ranks, and to provide all staff with opportunities for career development and expansion based on their self-development and demonstrated ability. Assignments and transfers are based on public and officer safety demands, LPD best interests and needs, Bureau and Division needs, management preference, work performance, rank, staff needs and seniority.

The Chief may assign or transfer personnel at his or her discretion, to include temporary transfers as necessary, and retains sole authority for

assignments and transfers. The procedures described hereafter are *guides* for conducting such transfers when approved, are at the *sole* discretion of the Chief and *do not* create any guarantee or permanence of assignments.

The Chief holds the final authority to assign employees throughout the LPD.

1.13.003 CIVILIAN STAFF ASSIGNMENTS AND TRANSFERS are managed according to COL policy.

1.13.004 INTRA-DIVISIONAL ASSIGNMENTS AND TRANSFERS may be made as necessary by Command Staff with approval of Bureau Chiefs. The Chief should be made aware of such assignments and transfers.

When positions become vacant, they may be filled by intra-divisional transfers at any time based upon operational needs and management preference. Seniority should be factored into such transfer decisions, but should not be the sole criteria.

1.13.005 INTRA-BUREAU ASSIGNMENTS AND TRANSFERS may be made by Bureau Chiefs with the Chief's approval.

When positions become vacant, they may be filled by intra-divisional transfers at any time based upon operational needs and management preference. Seniority should be factored into such transfer decisions, but should not be the sole criteria. When large scale reorganizations are conducted, a draft process based primarily on seniority may be used to make intra-bureau assignments and transfers.

1.13.006 INTER-BUREAU ASSIGNMENTS AND TRANSFERS may be made by the Chief or according to this Section with the Chief's approval.

If approved by the Chief, Executive Staff may make inter-bureau assignments and transfers by determining requirements and a selection process that emphasizes work performance and rank, and that selects the most capable and qualified personnel. Assignments and transfers done in accordance with this Section will be considered final if the Chief concurs and issues Assignment Orders.

1.13.007 ANCILLARY ASSIGNMENTS. Command Staff in charge of ancillary assignments will determine the requirements and selection process for those. They will notify the Bureau Chief that oversees that ancillary assignment of their selections.

1.13.008 HARDSHIP TRANSFERS. Employees may request temporary transfers through their chain-of-command to better cope with serious personal situations beyond their control. The Chief will consider each case according

to any impact on LPD operations and needs, the situation and fairness to others. Employees must renew requests every 90 days.

1.13.009 OUTSIDE INTERVENTION. Employees will not request, nor knowingly allow, anyone to intervene to change their personnel status or work assignment.

1.13.010 NOTIFICATION OF PENDING ASSIGNMENT CHANGES. Administrative Assistants responsible for payroll records must notify the Support Services Bureau Management Assistant of *ALL* pending assignment changes (hires, resignations, retirements, terminations, transfers, etc.) in a timely fashion (typically within 24 hours of notification of an assignment change) and before assignment changes occur.

1.13.011 ASSIGNMENT ORDERS. Assignments and transfers are official only after the Chief issues and signs an Assignment Order indicating such.

1.14 ADMINISTRATIVE INVESTIGATIONS

1.14.001 PURPOSE: To set guidelines for investigating allegations of misconduct made against LPD employees.

1.14.002 POLICY. The LPD will promptly and thoroughly investigate allegations of misconduct made against its employees. It will conduct such investigations fairly and impartially and as transparently as legally permissible. The LPD encourages voluntary, uniform compliance with LPD policies, procedures and rules. It will emphasize determining the causes of unprofessional behavior and identifying ways to improve that behavior.

1.14.003 OFFICE OF PROFESSIONAL STANDARDS (OPS). OPS will conduct all Internal Affairs Investigations. Supervisors and commanders may conduct other administrative investigations and inquiries; however, if disciplinary action against sworn officers is likely to exceed a written reprimand, the matter will be referred to OPS to be investigated by Internal Affairs investigators. The OPS Commander reports directly to the Chief.

Internal Affairs does not typically conduct investigations of allegations against civilian employees unless the allegations are related to law enforcement operations. The Director of Human Resources or a designee will be consulted on all disciplinary matters involving civilian employees.

1.14.004 CONFIDENTIALITY. Confidentiality protects against civil liability, privacy invasion, constitutional rights violations and jeopardizing criminal investigations. All records and conversations relating to any administrative investigation or LPD personnel matter are confidential. Staff will not

disclose them to anyone except when required by law or when the Chief or the OPS Commander authorizes. This does not prevent staff from asking for, or a supervisor from giving, advice in these situations.

1.14.005 ADMINISTRATIVE LEAVE. The Chief, OPS commander or highest-ranking on duty supervisor may place staff on administrative leave if allowing them to remain on duty would not be in the LPD's best interest.

1.14.006 INVESTIGATIVE DUTIES. Internal Affairs investigators assigned to OPS will:

- A. Conduct administrative investigations as the Chief directs to document facts of an incident involving alleged, or suspected, misconduct.
- B. Refer Informal Complaints to the appropriate supervisor.
- C. Investigate officer-involved shootings or firearms discharges independent of any related criminal investigations.
- D. Complete and send to the Attorney General a CUSTODIAL DEATH REPORT within 30 days, and supplemental information within 60 days, on any person dying in LPD custody. A person is considered in custody if an officer, by word or action, indicates they are attempting to arrest, even if the person is not in actual custody.
- E. Complete and send to the Attorney General a PEACE OFFICER INVOLVED INJURIES OR DEATH report within 30 days on any incident in which an officer discharges a firearm resulting in the injury or death of a person.
- F. Complete and send to the Attorney General a PEACE OFFICER INJURIES OR DEATH report within 30 days on any incident in which an officer is injured or killed as a result of gunfire by a person who is not a Peace Officer.
- G. Not investigate criminal allegations. Internal Affairs investigators will notify the OPS Commander if an administrative investigation indicates possible criminal violations. The Chief may refer the criminal matter to the Investigation Services Bureau Chief for investigation. Internal Affairs investigators may investigate misconduct independent of any related criminal investigations.
- H. Not investigate disagreements over guilt or innocence regarding criminal or traffic charges unless misconduct is specifically alleged.

- I. Not accept complaints reported more than 30 days after the alleged incident unless they involve criminal violations within the statute of limitations or there is good cause for the delay. The Chief or the OPS commander must approve a delayed investigation.

1.14.007 COMPLAINT PROCESS. Complaints are Departmental, Formal or Informal. Supervisors will send all Formal Complaints, including those alleging criminal violations, to OPS.

A. Departmental Complaints:

1. Originate within the LPD;
2. May originate from Informal Complaints;
3. Do not require personal knowledge of the facts; and
4. May be reported directly to OPS.

OPS may investigate them as Formal Complaints even if they do not meet the criteria.

B. Formal Complaints:

1. Are made to OPS in writing, with a sworn statement;
2. Appear on their face that the complainant has personal knowledge of the situation, unless the complaint is Departmental; and
3. Allege specific misconduct that could result in disciplinary action.

1.14.008 FORMAL COMPLAINT PROCESS is as follows:

A. **INTERNAL AFFAIRS INVESTIGATORS** in OPS will:

1. Take the complainant's signed, sworn statement;
2. Notify the Chief, who may approve an Internal Affairs investigation or have the complaint referred to the employee's chain-of-command as an Informal Complaint;
3. Notify the employee's Assistant Chief of an approved investigation;
4. Notify the employee and arrange an interview;

5. Give the employee a signed Notification of Internal Affairs Investigation and a copy of the signed complaint against them;
 6. Allow the employee to review the complaint;
 7. Give the employee a signed, written order, including the Garrity warning, for the employee to respond with a sworn statement;
 8. Conduct a thorough investigation;
 9. Complete all required entries in the Internal Affairs electronic record system; and
 10. Forward the electronic file and supporting evidence to the Chief and the OPS Commander.
- B. **INVESTIGATION REVIEW.** The Chief may refer the investigation to the employee's Assistant Chief to recommend classification and discipline. Assistant Chiefs may include an employee's chain-of-command in the recommendation process.
- C. **COMPLAINT CLASSIFICATION.** The Chief will review the investigation and any recommendations, classify the complaint and determine disciplinary action if sustained. Complaint classifications are:
1. **UNFOUNDED** – the allegation is false or not factual;
 2. **EXONORATED** – the incident occurred but without misconduct;
 3. **NOT SUSTAINED** – there is insufficient evidence to prove or disprove the allegation; or
 4. **SUSTAINED** – the allegation is supported by sufficient evidence.
- D. **NOTIFICATIONS.** The Chief, or appropriate supervisor, will notify the employee of the results, give the employee any disciplinary papers and file copies appropriately.
- OPS staff will update electronic records with the results and add documents as appropriate.
- E. **OFFICER RIGHTS.** Officers have these rights during investigations:
1. To have an attorney present only at interviews for criminal investigations;

2. To receive the Miranda warning during a criminal investigation;
3. To refuse a polygraph test only when accused of criminal violations or when the order does not comply with Texas Government Code Section 614.063;
4. To request, and receive, a polygraph test; and
5. To protect their private property from warrantless searches.

F. **OFFICER OBLIGATIONS.** The Chief may discipline officers, up to and including indefinite suspension, for failure or refusal to meet these obligations during administrative investigations:

1. To submit to warrantless searches of City property such as vehicles, desks, lockers, electronic files, etc., which are subject to inspection at all times without notice;
2. To participate in lineups conducted without probable cause during administrative investigations; and
3. To truthfully answer questions, give truthful and complete statements and comply with all proper orders.

1.14.009 **INFORMAL COMPLAINT PROCESS** is as follows:

A. **INFORMAL COMPLAINTS** do not:

1. Require personal knowledge;
2. Allege specific misconduct; or
3. Require written, sworn statements to OPS.

Most people bringing Informal Complaints only want the employee's supervisor to know of the situation and discuss it with the employee. Supervisors should not refer Informal Complaints to OPS, but should instead refer them to the employee's chain-of-command when possible.

B. **STAFF** not assigned to OPS who receive complaints about employees will:

1. Identify the employee the complaint is against;
2. Take the complainant's name and phone number;

3. Assure the complainant that the employee's supervisor will be notified;
4. Explain delays due to shift or days off assignments; and
5. If the staff member is not a supervisor, timely notify a supervisor of the complaint. Supervisors notified of such complaints will timely attempt to resolve the complaint if possible, enter the complaint and any results in the Internal Affairs electronic record system, route it to that employee's supervisor and chain-of-command (up to Division Commander) and send the chain-of-command an email notice of the complaint.

C. **SUPERVISORS** receiving Informal Complaints on their employees will:

1. Contact the complainant as soon as possible if not already in contact with the complainant, and attempt to resolve the complaint;
2. Meet with the employee, identify any problems related to the complaint and take appropriate action, which may require the employee to submit a written response to the complaint; and
3. Document the results in the Internal Affairs electronic record system, including any associated documentation, and notify their chain-of-command of its completion.

D. **COMMANDERS** will review the complaint in the Internal Affairs electronic record system, send it back to the supervisor for corrections if needed, enter their findings into the file and forward it to their Assistant Chief who will enter his or her findings and then forward it to the OPS Commander.

E. **INTERNAL AFFAIRS INVESTIGATORS** taking Informal Complaints will try to resolve them and enter them in the Internal Affairs electronic record system. They will forward the electronic file to the employee's chain-of-command for review as well as send them an email notice of the complaint.

F. **SUPERVISORS** receiving electronic files of Informal Complaints from Internal Affairs investigators will follow C above.

1.14.010 CITIZEN COMMENDATION AND COMPLAINT ACCESSIBILITY. Citizens wishing to file these in lieu of speaking with OPS or an LPD supervisor should be directed to the LPD website or be provided a Commendation/ Complaint form at the Police Desk.

Commendations and complaints received via the department website go directly to OPS. Commendation/Complaint forms, as well as any other written commendation or complaint, received in person, via social media, through email or by regular mail is to be processed according to the applicable portions of 1.14.009 above.

OPS staff will have commendations placed in the employee's personnel file and the Internal Affairs electronic record system. They will have complaints processed according to this policy. The OPS Commander will have notice of both sent to the Chief and the employee's chain-of-command.

1.15 RACIAL PROFILING

1.15.001 PURPOSE: To confirm the LPD's commitment to unbiased policing in all contacts between officers and any person, to reinforce procedures that ensure public confidence and mutual trust by providing services equitably and to protect LPD officers from unwarranted accusations of misconduct when they act according to LPD policy and the law.

1.15.002 POLICY. The LPD is proactive and thoroughly investigates suspected violations of law. The LPD believes racial profiling is unacceptable and requires its officers to enforce laws responsibly and professionally, without regard to race, ethnicity or national origin. This policy applies to all drivers, passengers and pedestrians.

This policy does not prevent officers from offering help when it appears needed. It does not prohibit stopping suspects based upon observed actions and/or information received about the person.

1.15.003 RACIAL PROFILING is any law enforcement-initiated action based on a person's race, ethnicity or national origin rather than on the person's behavior or on information identifying the person as having engaged in criminal activity. Racial profiling pertains to suspects or potential suspects, not to witnesses, complainants or others.

Examples of racial profiling include but are not limited to:

- A. Detaining a vehicle driver because of the belief that a person of their race, ethnicity or national origin is unlikely to own that make or model vehicle; or
- B. Detaining a person because of the belief that people of their race, ethnicity or national origin do not belong in a particular area.

These examples of racial profiling do not prevent the LPD from applying the broader definition to actual situations.

- 1.15.004 PROHIBITED.** Officers will not engage in racial profiling as prohibited by policy or law.
- 1.15.005 COMPLAINT PROCESS.** Persons who believe officers have used racial profiling against them may file complaints according to LPD policy. Upon officers' written requests, OPS will allow accused officers to review any video or audio recordings of incidents where racial profiling is alleged. Supervisors will take appropriate corrective action for any policy violations.
- 1.15.006 PUBLIC EDUCATION.** The LPD will educate the public on its complaint process through appropriate public forums and the LPD website.
- 1.15.007 INFORMATION COLLECTION AND REPORTING.** Officers will accurately collect all state-required information on ALL motor vehicle stops (all occasions in which officers stop motor vehicles for an alleged violation of a law or ordinance) via encoded CAD disposition entries. Officers will ensure accurate information collection occurs either at the immediate conclusion of each motor vehicle stop or before the callsheet is closed, regardless of the result of the stop. This information includes:
- A. Gender (Male or Female);
 - B. Race or ethnicity (Asian, Black, Hispanic/Latino, Alaska Native/American Indian, or White);
 - C. Knew race prior to stop? (Yes or No);
 - D. Reason for stop? (Violation of Law, Pre-existing Knowledge, Moving Traffic Violation, or Vehicle Traffic Violation);
 - E. Approximate location of the stop (City Street, US Highway, County Road, or Private Property or Other);
 - F. Was a search conducted? (Yes or No);
 - G. Reason for search? (Consent, Contraband in Plain View, Probable Cause, Inventory, Incident to Arrest, or Not Applicable);
 - H. Was contraband discovered? (Yes or No);
 - I. Description of contraband (Alcohol, Currency, Drugs, Other, Stolen Property, Weapons, or Not Applicable);

- J. Result of the stop (Verbal Warning, Written Warning, Citation, or Arrest);
- K. Use of force resulting in bodily injury? (Yes or No); and
- L. Arrest based on (Violation of City Ordinance, Violation of Penal Code, Violation of Traffic Law, Outstanding Warrant, or Not Applicable).

By March 1st of each year, the Chief will report the information collected above, except for information identifying officers or detained persons, to the Texas Commission on Law Enforcement (TCOLE) and the City Council.

1.15.008 VIDEO/AUDIO RECORDING REVIEW AND RETENTION. Supervisors will review recordings according to LPD policy. The recordings will be kept for 180 days unless they are evidence in criminal or administrative investigations, or Municipal Court proceedings, in which case they will be kept according to law or policy.

1.15.009 EXEMPTION. The LPD is exempt from other data collection and reporting requirements under the Code of Criminal Procedure (CCP) because:

- A. Most LPD vehicles regularly used to make motor vehicle and pedestrian stops are equipped with video and/or audio recorders;
- B. Each motor vehicle and pedestrian stop that can be recorded is recorded; and
- C. The City Council asked the Texas Department of Public Safety (DPS) for funds to equip the remainder.

1.16 EFFICIENCY REPORTS

1.16.001 PURPOSE: To enhance individual performance by identifying and understanding expectations and standards. The reports are comprehensive, semi-annual reviews considering aspects of law enforcement. They are intended to improve communication between supervisors and subordinates, and identify needs in self-improvement, training and procedures. The process emphasizes supervisors' roles to ensure officers meet acceptable performance standards. Reports may also document the basis for personnel decisions.

1.16.002 POLICY. The LPD considers certain characteristics and skills critical to the law enforcement profession. Immediate supervisors evaluate all officers below the rank of Assistant Chief. Supervisors are evaluated on the accuracy of the Efficiency Reports they submit.

1.16.003 FORMS. Appropriate persons must sign each form. Supervisors will ensure all original forms are forwarded to the Support Services Administrative Assistant for storage in the Master Departmental Personnel File kept in accordance with Texas Local Government Code Section 143.089(g).

A. **KEY INCIDENT JOURNAL.** An officer's immediate supervisor will use this form to document observed examples of positive or negative performance.

When officers transfer during a report period, supervisors will send their Key Incident Journals to the new supervisors. Officers may keep a form for their own work activities and submit it to their supervisor.

B. **SUPERVISOR'S REPORT.** An officer's immediate supervisor will complete this report to assess the officer's overall performance. Supervisors will use information from the Key Incident Journal to support all ratings but Average. Supervisors will only use references to the Key Incident Journal on the Supervisor's Report, not positive or negative comments. Supervisors will put positive or negative comments only on the Key Incident Journal.

C. **ENHANCEMENT ACTIVITIES.** Supervisors will use this section to identify specific actions to improve future Efficiency Reports for officers earning Needs Improvement or Unsatisfactory ratings. They will discuss these actions with those officers during the Report Review Conference.

1.16.004 PERFORMANCE LEVELS are:

A. **JOB FACTOR PERFORMANCE LEVELS** are Unsatisfactory, Needs Improvement, Average and Above Average. An officer earning a Needs Improvement or Unsatisfactory rating in any Job Factor who does not improve to an Average rating in that factor the next reporting period will earn an Unsatisfactory rating.

B. **OVERALL PERFORMANCE LEVELS** are Acceptable and Unacceptable. Officers will earn Acceptable ratings unless:

1. Two or more factors are Unsatisfactory in a single report period;
2. Four or more factors are Needs Improvement in a single report period;
3. Three or more factors are any combination of Unsatisfactory or Needs Improvement in a single report period; or

4. They fail to earn an Average rating on any factor rated Needs Improvement or Unsatisfactory on the previous report.

1.16.005 REPORTING PERIODS for each rank are as follows:

- A. **PROBATIONARY OFFICERS:** Due weekly during the first month after completing the Field Training Officer program, and then due monthly for the remainder of the probationary period. Thereafter, due the next regular due date.
- B. **PATROL OFFICERS:** January 1st through June 30th with reports due July 14th, and July 1st through December 31st with reports due January 14th.
- C. **DETECTIVES/CORPORALS:** January 15th through July 14th with reports due July 31st, and July 15th through January 14th with reports due January 31st. Detectives and Corporals should provide input to Sergeants for Efficiency Reports of Patrol Officers assigned to the same Squad, and Sergeants should consider such input when completing Efficiency Reports on Detectives and Corporals.
- D. **SERGEANTS:** February 1st through July 31st with reports due August 14th, and August 1st through January 31st with reports due February 14th.
- E. **LIEUTENANTS:** March 1st through August 31st with reports due September 14th, and September 1st through February 28th (or February 29th during Leap Years) with reports due March 14th.
- F. **CAPTAINS:** April 1st through September 30th with reports due October 14th, and October 1st through March 31st with reports due April 14th.

1.16.006 REPORT REVIEW CONFERENCE. Supervisors will review each officer's report with them after it is reviewed by the next level supervisor. The next level supervisor is also responsible for the report's accuracy.

1.16.007 PERFORMANCE RECOGNITION levels are:

- A. **OVERALL ACCEPTABLE.** Officers earning overall Acceptable ratings are eligible for other assignments. Supervisors will consider reports during selections.
- B. **OVERALL UNACCEPTABLE.** Officers earning an overall Unacceptable rating for one report period during a calendar year will not be eligible for other assignments. Officers earning two consecutive overall Unacceptable ratings may be reassigned if doing so best serves

the LPD and/or the individual officer. Failure to improve overall Unacceptable ratings will result in disciplinary action.

1.17 BUILDING SECURITY AND ACCESS

1.17.001 PURPOSE: To give guidelines for keeping LPD buildings secure while allowing adequate access for staff and visitors.

1.17.002 POLICY. The LPD recognizes it is a public entity and deals with the public daily. The LPD will balance the needs of the public for access to department operations with the need to protect investigations, evidence and staff by controlling access.

1.17.003 SECURE AREAS are those with access controlled by access cards, keys or combination locks.

1.17.004 ACCESS AUTHORIZATION. Assistant Chiefs will determine who has access to areas in their Bureaus. Staff will send requests for changes in access through their chain-of-command to the appropriate Assistant Chief.

1.17.005 KEY CONTROL. Assistant Chiefs will keep master keys for their areas, and the Support Services Bureau Chief will keep master keys for all police buildings. Staff will send requests for duplicate keys through their chain-of-command to the appropriate Assistant Chief.

1.17.006 ACCESS CARDS are used as LPD credentials, to identify LPD and other COL employees as well as others who visit LPD facilities and grant access to LPD facilities. They are the property of the LPD.

A. **LPD STAFF CARDS.** The Support Services Bureau will issue and maintain individual LPD staff cards reflecting access authorized by Assistant Chiefs. It will monitor card use and report any irregularities to the appropriate Assistant Chief.

B. **OTHER CITY STAFF CARDS.** The Support Services Bureau will issue and maintain individual access cards for certain City staff as authorized by the Chief. It will monitor and report any irregularities to the Chief.

City staff not authorized for individual access cards will use visitor cards.

C. **VISITOR CARDS.** Desk personnel will issue visitor cards to individuals without individual access cards, including:

1. City staff;

2. District Attorney staff without individual access cards;
 3. Service or repair personnel; and
 4. Non-sworn visitors.
- D. **DISPLAYING CARDS.** All civilian employees and non-sworn visitors must wear access cards or visitor cards where they can be seen while inside LPD buildings.
- Staff should escort unfamiliar persons not wearing identification or not otherwise being accompanied by LPD staff to the Police Desk. Civilian staff may notify an officer instead of confronting someone themselves.
- E. **LOST CARDS.** Staff will notify their supervisor and the Support Services Bureau immediately if they lose their access cards.

1.17.007 ACCESS TO LPD BUILDINGS

- A. **GENERALLY.** LPD staff may allow other LPD staff, authorized City staff with individual access cards and properly identified law enforcement officers to enter any secure area in the LPD complex.
- All others must enter through the Police Desk area.
- B. **LPD STAFF** access is controlled with picture identification access cards, keys or combination locks that allow access to areas depending on assignment and need.
1. LPD staff will only enter common areas open for all employees or locked areas to which they have access with card, keys or combinations issued specifically to them.
 2. LPD staff will not ask others to open locked areas for them if they cannot enter using their own access devices.
 3. LPD staff will only open locked areas for others who cannot enter using their own access devices if they know the employee asking for access is authorized.
 4. LPD staff will not allow others to use or duplicate their keys or cards.
- C. **VISITOR ACCESS.** Front Desk staff will have all non-sworn visitors without individual access cards leave a picture identification. They will return them when the visitor leaves the building and returns their visitor card. If these visitors do not have picture identification, they may ask

Front Desk staff to call LPD staff who can identify them. LPD staff called to identify visitors will come to the Front Desk for the identification.

- D. **DURING EOC ACTIVATION.** The Support Services Bureau will post an officer at the Front Desk. That officer will have a list of City staff authorized for EOC duty and will only allow those on the list who have their City EOC IDs to enter. That officer may allow them entry if their department's EOC representative personally confirms their need to enter and accompanies them to the EOC.
- E. **OTHERS.** Victims, witnesses, suspects, complainants, their family or friends and visitors in general may not enter secured areas without LPD staff. They may use the house phone in the lobby to call staff they need to see. Front Desk personnel may help them with the number.

Staff will meet visitors in the lobby and escort them. They should take as few visitors as possible into secured areas at one time. They should explain this when making appointments and discourage large groups and small children.

1.18 AWARDS, CERTIFICATIONS AND QUALIFICATIONS

1.18.001 PURPOSE: To establish a mechanism for recognizing and rewarding officers and citizens for exemplary service and accomplishments above and beyond Commendations, and to establish mechanisms for properly recognizing specialized certifications and qualifications.

1.18.002 PROCEDURE. Any officer may nominate another officer or a citizen for an applicable LPD Award by forwarding the nomination via the Internal Affairs electronic records system, or by using the Award Nomination form. They will forward the completed entry or form, accompanied by adequate supporting documentation, through their chain-of-command to the Support Services Bureau Chief for Awards Approval Board review.

Qualifications and Certifications do not require Awards Approval Board review, but are earned based on the criteria in Appendix A of the Uniform Regulations Manual.

1.18.003 RIBBON BARS denote Awards, Certifications and Qualifications and are prescribed for wear in the LPD Uniform Regulations Manual. Specific ribbon bars and their associated Awards, Certifications and Qualifications are noted in Appendix A of that manual. Types of Awards, Certifications and Qualifications, and their associated ribbon bars and manners of being earned, are authorized only by the Chief. Executive and Command Staff

will be familiar with LPD Awards, Certifications and Qualifications, and how each is awarded/earned.

- 1.18.004 AWARDS APPROVAL BOARD.** The Support Services Bureau Chief will appoint two officers to the Board from each Bureau for two-year terms, staggered so terms do not expire together. One member from each Bureau will be a Detective, Corporal or Patrol Officer, and the other a Sergeant or above. The Support Services Bureau Chief will Chair the Board, voting only to break a tie vote. The Board will meet quarterly to review nominations, and may meet more often as determined necessary by the Support Services Bureau Chief. A quorum of five members is required for voting, and majority vote rules.

In addition to the Awards listed in Appendix A, the Board awards the following:

- A. **POLICE CROSS** – a medal awarded posthumously to an officer's nearest living relative when the officer dies in the line of duty under honorable conditions.
- B. **GOOD CITIZEN** – a certificate awarded to citizens whose actions go above and beyond the normal course of behavior to assist the LPD or its officers, or members of the community.

- 1.18.005 EMPLOYEE RECOGNITION.** The LPD will recognize the following staff quarterly and annually:

- A. **OFFICER OF THE QUARTER/YEAR** in accordance with Appendix A of the LPD Uniform Regulations Manual.
- B. **SUPERVISOR OF THE QUARTER/YEAR** in accordance with Appendix A of the LPD Uniform Regulations Manual.
- C. **CIVILIAN EMPLOYEE OF THE QUARTER/YEAR.** Nominations for Civilian Employee of the Quarter will be made to the Executive Staff who will make a selection for such recognition each quarter based upon documented exemplary performance and dedication to the LPD. The Executive Staff will select a Civilian of the Year awardee by January 31st of each year from the four Civilian of the Quarter recipients from the previous calendar year.

1.19 RETIRED PEACE OFFICER CERTIFICATION AND IDENTIFICATION

- 1.19.001 PURPOSE:** To provide written procedures for the issuance or denial of a certificate of proficiency under Section 1701.357 of the Texas Occupations

Code and for the issuance of photo identification to honorably retired LPD officers who have obtained a certification of proficiency.

1.19.002 POLICY. The Chief, individually and through delegation of authority, will adhere to the intentions and requirements of Section 1701.357 of the Texas Occupations Code.

1.19.003 CHIEF APPROVAL. The Chief may allow an honorably retired peace officer an opportunity to demonstrate weapons proficiency if the retired officer meets the requirements stated in Subsection (b) of Section 1701.357 of the Texas Occupations Code.

The Chief may allow a person who formerly served as a reserve law enforcement officer for not less than a total of 15 years with one or more state or local law enforcement agencies an opportunity to demonstrate weapons proficiency if the person meets the requirements stated in Subsection (b-1) of Section 1701.357 of the Texas Occupations Code.

It is the sole discretion of the Chief whether or not to allow a retired peace officer or former reserve law enforcement officer the opportunity to demonstrate weapons proficiency. The Chief may consider any of the following as a disqualifying factor and refuse to allow such opportunity (this list is not all-inclusive):

- A. Any law enforcement service that is characterized as anything other than “honorable”;
- B. A derogatory reference or being ineligible for rehire from any law enforcement agency for which an officer served;
- C. Other than age, any issue which would likely make an officer not eligible for a law enforcement position;
- D. Criminal conduct; or
- E. Documented or well-known behavior of an officer abusing the inherent authority of a law enforcement officer.

1.19.004 NOTICE OF DENIAL. A retired peace officer or former reserve officer denied an opportunity to demonstrate weapons proficiency will be notified in writing of the reason for denial by the Chief.

1.19.005 PROCEDURE. Retired officers must receive the Chief’s approval to demonstrate weapons proficiency prior to qualifying at the range, or such qualification is considered invalid for the purposes of this policy.

All retiree firearms certification applications will be processed by the Administration Division Commander or designee, who will verify the retiree's compliance with Subsection (b), or (b-1) if applicable, of Section 1701.357 of the Texas Occupations Code and attain the Chief's prior approval or denial for the officer to have the opportunity to demonstrate weapons proficiency.

Approved applicants will be referred to LPD Training Academy to complete the standard LPD course of fire.

- 1.19.006 FIREARMS QUALIFICATION.** Officers who pass the standard LPD course of fire as determined by the Training Division Commander for the weapon with which they bring to qualify and meet all other requirements of Subsection (c) of Section 1701.357 of the Texas Occupations Code will be issued a certificate of proficiency signed by the Chief. Such certificate will be valid for two years.
- 1.19.007 IDENTIFICATION.** The Chief, through delegated authority, shall issue an Honorably Retired Peace Officer photo identification card to retired LPD officers who receive a certificate of proficiency from the LPD or any other bona fide Texas law enforcement agency. Such identification card shall be valid for one year if retired LPD officers request the authority to carry a concealed weapon under federal and state statutes, or for two years if only under state statutes.
- 1.19.008 RECORDS.** The Administration Division Commander shall maintain records of all current certificates of proficiency.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 2

2.00 ARREST, SEARCH & SEIZURE

2.00.001 PURPOSE: To provide guidelines for making arrests, searches and seizures.

2.00.002 POLICY. The United States Constitution, Texas Constitution and Texas Code of Criminal Procedure (CCP) provide guidelines and statutory requirements for arrests, searches and seizures. Officers will follow these guidelines and requirements. Officers will make arrests, searches and seizures only as authorized in the CCP and this chapter. They will ensure all arrests, searches and seizures are reasonable. Officers will not base decisions to arrest or search persons, or seize property, only on the race, ethnicity, gender, religion or other arbitrary classification of persons.

2.01 PROBABLE CAUSE

2.01.001 DEFINITION. Probable cause is the total set of apparent facts and circumstances, based on reasonably trustworthy information, which would warrant a reasonably intelligent and prudent person, in the position of and with the knowledge of the particular peace officer, to believe something. Probable cause is having more evidence for than against; more than mere suspicion but less than actual proof.

Probable cause for arrest exists when facts and circumstances known to the officer would warrant a prudent person in believing an offense has been committed and a particular person committed it. The evidence needed to find probable cause is less than that needed to prove guilt.

Probable cause for search exists when facts and circumstances known to the officer would warrant a prudent person in believing property subject to seizure may be found in a particular place.

2.01.002 PROBABLE CAUSE REQUIRED. Officers must have probable cause for all arrests or searches.

2.01.003 DEVELOPING PROBABLE CAUSE. Officers may use the following to develop probable cause:

A. TRAINING, SKILLS AND EXPERIENCE; and

B. LAWFULLY ACQUIRED INFORMATION, whether admissible at trial or not.

1. **VICTIM OR WITNESS INFORMATION.** If reasonable, officers will try to verify this information and the person's credibility before acting on the information, especially before arresting without a warrant.
2. **INFORMANT INFORMATION.** When officers use informant information, they should be sure the information is highly detailed and verify as many of the details as possible before acting on it. Officers should document how often the informant has given accurate information and how current the information is.

2.01.004 DOCUMENTING PROBABLE CAUSE. Officers will include all elements of probable cause leading to arrests or searches in their reports or affidavits for warrants. Elements not included may not be used later to justify an arrest or search. Supervisors will closely review all reports or affidavits for adequate probable cause. They will take appropriate action to correct deficiencies.

2.01.005 PROBABLE CAUSE USED TO DEVELOP OTHER PROBABLE CAUSE. Officers may stop or arrest someone with probable cause and use the stop or arrest as an opportunity to develop probable cause for other charges. For example, officers may stop a suspected drug dealer with probable cause to believe a traffic violation has occurred and then develop probable cause or consent to search for drugs. Such "pretext stops" will not be based, however, upon random suspicions, and supervisors should review such stops for evidence of racial profiling.

2.02 CITIZEN CONTACTS

2.02.001 POLICY. Many citizen contacts involve potential conflict unless officers handle them properly. Officers can reduce the potential for conflict by using courteous, direct and positive statements. When reasonable, officers will use the eight-step tactical language approach during citizen contacts.

2.02.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

2.02.003

Excepted by TX Attorney General letter ruling OR2017-20972

2.02.004 **CONSENSUAL ENCOUNTERS.** Officers may approach, identify and briefly interview anyone if the contact is reasonable under the circumstances and the person agrees. Persons may refuse to stop and be interviewed. If so, officers will only detain them with reasonable, impartial grounds beyond the refusal and according to law and this policy. Courts may consider encounters to be non-consensual, temporary detentions if persons feel they are not free to leave at any time.

2.02.005 **TEMPORARY DETENTION** is stopping someone for a limited time, based on reasonable suspicion, to determine the person's involvement in an offense.

A. **MIRANDA WARNING.** Officers need not give Miranda warnings before interviewing persons they temporarily detain if the detention does not rise to the level of a custodial arrest.

B. **REASONABLE SUSPICION** is less than probable cause but more than mere suspicion or hunch. It is based on specific facts that, taken

together, reasonably lead to the belief that a person has been, is, or is about to be involved in an offense.

Factors that contribute to reasonable suspicion include:

1. Evasive or furtive movements;
2. Fitting a suspect description;
3. Being near a recently committed offense;
4. Actions, clothing or presence are unusual for the situation or suggest involvement in an offense;
5. Criminal history; or
6. Other factors or information linking the person to an offense. (Anonymous information must be verified **and** linked to other suspicious actions.)

Running from officers, especially those in plain clothes and/or driving unmarked vehicles, does not create reasonable suspicion without other factors.

C. **REQUIREMENTS FOR TEMPORARY DETENTION.** Officers must be able to justify temporary detentions by specific facts that show reasonable suspicion based on some:

1. Activity out of the ordinary;
2. Indication to connect the person to the activity; and
3. Indication the activity is related to a specific offense.

D. **LENGTH OF DETENTION.** Officers may detain persons no longer than reasonably needed to fulfill the purpose of the stop. They will release persons if they are unable to develop probable cause to arrest within a reasonable time under the circumstances. Supervisor approval is required to continue any detention longer than 30 minutes.

E. **USE OF FORCE.** Officers may use a reasonable amount of force, as authorized by LPD policy, to safely conduct a temporary detention.

F. **FRISKS** are limited, "pat down" searches of a person's outer clothing to protect the officer or others from weapons.

1. **AUTHORIZATION.** A temporary detention does not automatically justify a frisk. Officers will only frisk persons they have lawfully detained and reasonably believe are armed. Officers may also search any items carried by persons they frisk if they reasonably believe the items may conceal weapons. Officers should conduct frisks of temporarily detained persons before transporting them.
2. **VEHICLES.** When officers lawfully detain persons in vehicles and are authorized to frisk them, officers may order the persons out of vehicles and make a limited search for weapons in the passenger area to which persons had access. Officers must limit their search to areas or containers in which a weapon might be hidden.

If subjects have exited vehicles and no longer have access to the contents, officers may not conduct a frisk of the vehicle without probable cause to believe evidence of the crime for which they have made an arrest is in the vehicle.

3. **SEIZING ITEMS.** Officers may seize items they discover during frisks if they reasonably believe an item is a weapon or something that could be used to harm officers. Officers may also seize items they discover and immediately recognize as contraband.

G. **FIELD IDENTIFICATIONS** are situations where officers have reasonable suspicion to believe a detained person has been involved in an offense and a witness is taken to where the person is detained. Officers should only use field identifications when appropriate and follow these guidelines:

1. **WITNESS CONDITION.** Officers will not use field identification when witnesses are emotionally unable to confront a suspect.
2. **TAKING WITNESS TO SUSPECT.** Officers will take the witness to the suspect unless the suspect consents to go with officers to the witness.
3. **ONLY ONE WITNESS.** Officers will allow only one witness to view the suspect for field identifications.
4. **SETTING.** Officers will make the setting of the identification as neutral as reasonably possible. A suspect sitting in a patrol vehicle, obviously handcuffed or restrained by officers, may taint the identification.

5. **COMMENTS TO THE WITNESS.** Officers will make as few comments to the witness as possible and keep all comments neutral. They will not suggest the person detained is the suspect.
6. **EVALUATING RELIABILITY.** Officers will use the following to determine if an identification is reliable:
 - a. The witness' opportunity to view the suspect during the crime;
 - b. The witness' attention level;
 - c. The accuracy of the witness' prior description of the suspect;
 - d. How certain the witness is about the identification;
 - e. The time between the crime and the identification; and
 - f. Whether the witness was a casual observer or the suspect.
7. **DOCUMENTING.** Officers will make a detailed report of the identification and include:
 - a. A description of where the identification was made and consider lighting and weather conditions;
 - b. The distance from which the witness viewed the suspect;
 - c. All remarks made by anyone present at the identification;
 - d. Witnesses to the identification; and
 - e. Use of a patrol vehicle's video/audio recording system.

2.03 ARRESTS

- 2.03.001 DEFINITIONS.** An actual arrest is the seizure of a person by an officer physically touching that person and stating the officer's intent to arrest. A constructive arrest is the seizure of a person when an officer's authority and intention are implied by the circumstances and the person submits to that authority. An arrest has been made when "a reasonable person would have believed that he or she was not free to leave" after a detention.
- 2.03.002 PROTOCOL.** Officers arresting adults for Class B misdemeanor or greater offenses, with or without warrants, will book them into the Lubbock County Detention Center or lawfully release them.

Officers should take adults arrested for Class C misdemeanor charges to Municipal Court during normal business hours or release them according to policy. After normal business hours, officers may book these persons into the Lubbock County Detention Center or release them according to policy.

Officers arresting a Texas Commission of Law Enforcement (TCOLE) license holder will immediately notify a supervisor. The supervisor will send the case number to the Chief and appropriate Assistant Chief as soon as possible.

2.03.003 GENERALLY arrests by LPD officers should follow these guidelines:

- A. **ARREST IS OPTIONAL.** Officers do not have to arrest every time they have probable cause unless required to do so by law. They may decline to arrest when it better serves the public interest. Officers will be able to justify any decision not to arrest.
- B. **PROVOCATION BY OFFICER.** Officers will not arrest for conduct they provoke.
- C. **MIRANDA WARNING.** Officers will read the Miranda warning to arrested suspects before questioning them about offenses.
- D. **INFORM ARRESTEE.** If feasible, officers will tell arrestees their intent to arrest and the reason for arrest.
- E. **INCAPACITATED PERSONS.** Officers may arrest mentally ill, unconscious or injured persons even though the persons cannot understand they are arrested.
- F. **WARRANTS.** Officers will get arrest warrants when they have reasonable time and opportunity. They will get warrants for persons they do not arrest immediately for offenses committed in their presence unless a delay is due to resistance, safety concerns or suspect flight.
- G. **JURISDICTION.** For purposes of this policy, jurisdiction is restricted to inside the city limits or to property owned by the City which is outside the city limits. Officers arresting persons outside the city limits or City owned property should coordinate with law enforcement agencies that have jurisdiction. Legal agreements and exigent circumstances are exceptions to this rule.
- H. **ARREST AFFIDAVITS.** Officers will obtain two separate signatures on Arrest Affidavits prior to their submission. One signature must be the arresting officer or affiant, the other must be any Texas peace officer other than the arresting officer or affiant.

2.03.004 ARREST WITHOUT WARRANT. Officers will only arrest without warrants when authorized by the CCP and according to LPD policy.

- A. **REQUESTED BY ANOTHER OFFICER.** Officers may arrest without a warrant when asked by another officer if they believe the other officer has probable cause to arrest and the arrest is authorized by the CCP.
- B. **ASSUMED ARRESTS.** Officers should assume arrests from security guards or any other citizen when there is probable cause for the arrest and the arrest is authorized by the CCP. When allowed by law, officers may choose to release an arrested person because of age, pregnancy, poor physical condition or when permitted under this chapter. Officers will obtain a written statement or report from the arresting person justifying the arrest.

When assuming arrests from security guards that file reports through the LPD's online Crime Reporting system, officers may rely on that report as the Original Report and write a Supplement Report to document the assumed arrest.

- C. **MISDEMEANOR FIELD RELEASE** is issuing citations and releasing arrestees in lieu of making custodial arrests. Officers will ensure an original Crime Report is made and will make Supplement Reports as necessary for all non-traffic related Class C misdemeanor crimes when making field releases. They may list multiple offenses for the same case number on a citation.

The option of Misdemeanor Field Release is only appropriate when:

- 1. Offenses are Class C misdemeanors;
 - 2. Arrestees have local addresses and adequate identification;
 - 3. Officers have no reasonable beliefs that arrestees will fail to appear, be injured, or commit more offenses after release;
 - 4. Officers do not believe arrestees are involved in more serious offenses;
 - 5. Arrestees have no outstanding arrest warrants; and
 - 6. Arrestees voluntarily sign notices to appear.
- D. **HOT PURSUIT** is the immediate and continuous pursuit of a person by an officer trying to arrest that person. The pursuit is continuous even though the officer may temporarily lose sight of the pursued person.

Officers may enter a residence to arrest without a warrant when they are in hot pursuit.

2.03.005 ARREST WITH WARRANT. Officers will arrest with warrants according to the CCP and LPD policy.

- A. **OFFICERS' GENERAL RESPONSIBILITIES.** Officers will verify that arrest warrants are valid and for persons the officers have detained. Officers will not alter warrants. If the form is improper, they will return warrants to the issuing magistrate. Officers will serve any valid warrant of which they are aware as soon as feasible unless delay is tactically preferable. Officers may notify subjects of Class C misdemeanor warrants by phone. Officers will make appropriate notifications when they serve warrants so the warrants no longer show as outstanding.
- B. **OTHER AGENCIES' WARRANTS.** Officers may serve any arrest warrant for another Texas law enforcement agency or any felony arrest warrant for an out-of-state law enforcement agency. Unless there are also local charges, officers will get teletype confirmation before serving other agencies' warrants. Officers will have other agencies notified when they serve their warrants.

C. WARRANT SERVICE

- 1. **NOTIFICATION.** The supervisor in charge will fully brief their Division Commander and the Patrol Watch Commander before serving multiple or high-risk arrest warrants. The supervisor in charge will have an LPD Risk Assessment Checklist completed to determine the appropriate personnel to serve warrants.
- 2. **TIME OF SERVICE.** Officers will plan service for daytime, unless this increases the danger or is impractical. They will serve warrants when subjects of warrants are most likely present, balancing safety, effectiveness and convenience for all affected.
- 3. **PLACE OF SERVICE.** Officers may serve warrants in any public place or in any private place they have consent or lawful authority to enter. They should notify an appropriate person in authority if the subject of a warrant is in a business or public facility.
- 4. **SERVICE RESTRICTIONS.** Officers will not plan warrant service mainly to conduct a search incident to arrest, or to inconvenience or embarrass anyone. Only peace officers will serve warrants unless supervisors decide locksmiths or other technical help is needed.

5. **ENTERING PRIVATE PREMISES.** Officers will knock, announce their identity and purpose and demand entry when serving warrants at private premises. This does not apply when serving felony warrants and they reasonably believe announcement would endanger themselves or the subject of the warrant. However, they will verbally identify themselves as officers immediately on entry.
6. **FORCIBLE ENTRY.** Officers will force entry with the least force needed and cause as little damage as feasible. All officers on scene will wear body armor and obvious identification as officers.
7. **SITE SECURITY.** Officers in charge will take care to secure the scene and protect everyone present. Officers serving felony warrants in or immediately outside a premises may do a protective sweep of the site to find and secure all persons they reasonably believe may endanger them. Officers must record the specific facts leading them to believe they were endangered. They may only inspect places where persons might hide. Officers will leave the site as secure as feasible.

2.03.006 ILLEGAL ALIEN ARRESTS. Officers may arrest illegal aliens on any charge for which they would normally arrest any other suspect. They may not detain or arrest only because they suspect someone may be an illegal alien and may not detain them longer than any other suspect.

- A. **BORDER PATROL NOTIFICATION.** Officers arresting suspected illegal aliens on other charges will inform the receiving agency staff at the time of booking to notify the Border Patrol of the arrest and make appropriate documentation on booking paperwork.
- B. **FOREIGN CONSULATE NOTIFICATION.** Officers arresting foreign nationals will tell them they may have their consulate notified of the arrest. Sometimes notification is mandatory regardless of the person's wishes. Communications keeps a list of these countries and contact numbers. Officers will contact Communications to confirm if notification is mandatory. Officers will notify the U.S. State Department when they are asked or required to notify a foreign consulate.

2.03.007 SUSPECT CUSTODY issues to consider include:

- A. **SUSPECT RIGHTS.** Staff will protect the rights of all suspects. They will not physically or verbally abuse suspects.
- B. **INJURY/ILLNESS.** Staff will take immediate, feasible and reasonable actions to protect suspects from injury, either self-inflicted or other. Staff will immediately notify a supervisor and seek appropriate medical attention when a suspect is injured or ill, or when staff reasonably

believes a suspect has ingested anything that could be harmful. The supervisor will send the case number to the Chief and appropriate Assistant Chief as soon as possible.

Officers should route injured or ill prisoners to University Medical Center before trying to book them.

- C. **SEARCHES.** Officers will thoroughly search all suspects as soon as feasible after arrest. They will seize contraband, evidence and possible weapons. Officers will only do visual, exterior searches of the opposite sex unless they reasonably believe a more thorough search is immediately necessary for officer or public safety.
- D. **TRANSPORTATION.** Officers will transport suspects handcuffed behind their back, using prisoner shields and seat belts if available, unless suspects' physical condition or demeanor require other methods. If other methods are required, officers will use reasonable methods that ensure both the safety of arrestees and officers. Officers will ride in an ambulance with arrestees being transported by EMS, and will coordinate with EMS personnel to determine if restraints are necessary.
- E. **PRISONER PROPERTY.** Personal property taken from a prisoner shall be secured, documented and cared for in the manner designated by the receiving agency.

2.03.008 SECURITY in detention facilities is as follows:

- A. **POSTED NOTICES/INSTRUCTIONS.** When transporting a prisoner to another agency's facility, LPD staff will comply with notices or instructions posted about the receiving agency's facility.
- B. **WEAPONS.** Officers will not bring firearms, belt knives, pepper spray or Tasers into secure areas but will place them in designated lockers before entering. A supervisor of the receiving agency or an LPD Watch Commander may override this section in an emergency.

2.04 SEARCHES AND SEIZURES

2.04.001 DEFINITION. Search and seizure is looking for what has been concealed and taking evidence or contraband into police possession.

2.04.002 OBJECTS OF SEARCHES. Officers may search for and seize fruits of crime, tools of crime, contraband and mere evidence that connect someone to a crime.

2.04.003 SEARCH WITHOUT WARRANT. Officers will follow all applicable laws and LPD policy on searches without warrants. Courts consider searches without warrants unreasonable according to the Fourth Amendment unless done under one of the following recognized exceptions:

- A. **SEARCH INCIDENT TO ARREST.** Officers may search, without a warrant, persons lawfully arrested and the areas within their immediate control for weapons or evidence. They must search immediately or soon after the arrest. Items found during the search cannot be used as probable cause to support the arrest; however, additional charges may be filed as appropriate. Officers must make these searches after full, custodial arrests, not merely citations.
- B. **SEARCH UNDER EXIGENT CIRCUMSTANCES.** Officers may search, without a warrant or consent, when they have probable cause to believe there is an emergency requiring immediate action to protect life or property and they do not have time to get a warrant. Officers must have more than a need to arrest a suspect or seize evidence. Examples of exigent circumstances include:
 - 1. **PROTECTIVE SWEEPS.** Officers may search for victims needing aid or suspects endangering officers and may seize any evidence found in plain view during a sweep. Officers will only search areas that might contain a person.
 - 2. **HOT PURSUIT.** Officers may enter a residence to arrest without a warrant when they are in hot pursuit for serious offenses, including Evading Arrest; or
 - 3. **PREVENTING THE IMMINENT OR LIKELY DESTRUCTION OR REMOVAL OF EVIDENCE OR CONTRABAND.** Officers will balance the need to protect evidence and the seriousness of the offense with the level of intrusion caused by a search.
- C. **MOTOR VEHICLE SEARCHES.** Officers may search motor vehicles and their contents without warrants when they have probable cause to believe the vehicles contain contraband or evidence of crime.
- D. **CONSENT SEARCHES.** Officers do not need probable cause to search when they have consent from someone with authority over the premises or items they wish to search. Officers do not need probable cause or reasonable suspicion to ask for consent. A valid consent must be voluntary, not the result of threat, intimidation or coercion. Officers can prove consent is voluntary by the totality of circumstances.

1. **RIGHT TO REFUSE.** Officers will tell persons whose consent they seek that they have the right not to consent and that officers may seize and use anything found as evidence.
 2. **WRITTEN AND/OR RECORDED CONSENT.** Officers should get written consent on the LPD Consent to Search form before making consent searches and/or should record persons giving voluntary consent using Body Worn Cameras or other recording systems. Such recordings will be processed as evidence in accordance with applicable policies.
 3. **CONSENT LIMITED/REVOKED.** Consenting persons may limit the scope of searches or revoke their consent. If so, officers will immediately stop or limit searches.
- E. **PLAIN VIEW SEIZURES.** Officers may seize evidence or contraband they find in plain view if they are lawfully where they can see the items and they have probable cause to connect the items to criminal activity.
1. **ABANDONED PROPERTY** is property to which a person has given up all claims of ownership and any expectation of privacy. Officers may search and seize abandoned property without warrants.
 2. **OPEN FIELDS.** Officers may search open areas without warrants and seize any evidence or contraband found. Fencing, gates and "No Trespassing" signs do not create protected areas requiring search warrants.

2.04.004 SEARCH WITH WARRANT is controlled primarily by the CCP. Officers will search with warrants according to the CCP and LPD policy.

- A. **WARRANT MANDATORY.** Officers must have warrants to search for or seize property unless LPD policy permits warrantless searches or seizures.

B. WARRANT SERVICE

1. **NOTIFICATION.** Officers in charge will fully brief their Division Commander and the Patrol Watch Commander before serving search warrants unless warrants are for biological evidence from suspects or electronic devices.
2. **TIME OF SERVICE.** Officers will plan service for daytime, unless this increases the danger or is impractical. They will serve warrants when the object of them are most likely present and when resistance

should be least and can be best controlled. They will balance safety, effectiveness and convenience for everyone affected.

3. **PLACES SEARCHED.** Officers may only search places identified in warrants. They should notify an appropriate person in authority if the warrant is for a business or public facility. Officers will get search warrants for wanted persons they have probable cause to believe are in someone else's residence.

Officers may search vehicles found where they serve search warrants if warrants describe them or if warrantless searches are justified.

4. **SERVICE RESTRICTIONS.** Officers will only search for items described in warrants. They may only search where those items could be hidden. Officers may seize other evidence or contraband found in plain view.

Only peace officers may go on warrant service unless supervisors decide locksmiths or other technical help is needed. Officers will strive to prevent or minimize damage to property.

The supervisor in charge will have an LPD Risk Assessment Checklist completed to determine the appropriate personnel to serve warrants. All officers on scene will wear body armor and obvious identification as officers.

5. **ENTERING PRIVATE PREMISES.** Officers will knock, announce their identity and purpose and demand entry when serving warrants at private premises. They may enter without a knock and demand when serving authorized, "no-knock" warrants. They will verbally identify themselves as officers immediately on entry.
6. **FORCIBLE ENTRY.** When needed, officers may force entry, causing as little damage as feasible. Officers in charge will have enough help and will take care to secure the scene and protect everyone present.
7. **PERSONS ON SCENE.** Officers serving warrants may do a protective sweep of the premises to find, identify and secure all persons they reasonably believe may endanger them. They may detain occupants of premises while searching.

8. **EVIDENCE CONTROL.** Officers in charge will assign specific officers to record and control evidence.

9. **SITE SECURITY.** As much as feasible, officers will leave the site secure and not in disarray because of the search.

2.04.005 MANNER OF SEARCHES. Officers will conduct searches, with or without warrants, in a professional, non-punitive manner.

A. **PROPERTY SEARCHES.** Officers will act with respect for personal property, regardless of the condition of a premises and the past or present conduct of any occupants.

B. **PERSON SEARCHES.** Officers will conduct person searches professionally and with respect for personal dignity, regardless of the demeanor, criminal history or social status of the person being searched. Only medical professionals will conduct body cavity searches.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 3

3.00 INVESTIGATIVE PROCEDURES

3.00.001 PURPOSE: To provide guidelines for certain investigative procedures.

3.00.002 POLICY. LPD officers will conduct all investigations professionally and impartially, following appropriate local, state and federal statutes, regulations and case law. Officers also will conduct investigations according to their training and LPD policies, procedures and rules. Divisions and Units within the Investigation Services Bureau may develop procedures specific to their operations and may use any appropriate input from prosecutors or other legal advisors.

3.01 SUSPECT IDENTIFICATION

3.01.001 PURPOSE: To outline proper protocol for eyewitness identification procedures and maximize the reliability of identifications, exonerate innocent persons and establish evidence that is reliable and conforms to established legal procedure.

3.01.002 POLICY. Eyewitness identification is a significant component of a criminal investigation. While eyewitness identifications remain an important tool in the identification of a suspect in a criminal investigation, Constitutional safeguards must be observed in the process of the identification. The identification process must be carefully administered to avoid any practice that may contribute to misidentifications. These guidelines are written to provide information regarding legal requirements and best practices surrounding the collection and preservation of eyewitness evidence.

3.01.003 PHOTO AND LIVE LINE-UPS shall be conducted in a manner that promotes accurate identifications, safeguards against inaccurate identifications and complies with state mandates as well as best practices.

A. Photo line-ups consist of six randomly arranged unmarked photos of equal size and color, including one photo of the suspect, five photos of persons with physical characteristics similar to the suspect who are not suspected of the crime and two blank photos at the end of the of the photo line-up.

B. Live line-ups consist of six randomly arranged persons, including the suspect and five other persons with physical characteristics similar to

the suspect who are not suspected of the crime. Live line-ups are typically shown to a witness in a line-up room with one-way glass and a speaker system so the witness can see and hear the persons in the line-up, but the persons in the line-up cannot see nor hear the witness.

- C. Investigating officers will prepare the photo or live line-up to ensure other suspects in a case are not included in the line-up.
- D. Supervisors will assign an officer to administer the photo or live line-up. Only officers who do not know which person is the suspect will administer the photo or live line-up. Officers who know the identity of the suspect should not be present when the photo or live line-up is shown to a witness.
- E. When feasible, officers will make audio and/or video recordings of the entire presentation of photo or live line-ups, verbally identifying all persons present, case number, date, time and location.
- F. Officers presenting photo or live line-ups will read the written instructions from the "LPD Photo or Live Line-up Instructions" form to the witness prior to showing the line-up. The instructions will cover the following topics:
 - 1. The person who committed the crime may or may not be included in the line-up;
 - 2. At least six photos or persons will be shown to the witness, even if a person is identified by the witness during the procedure;
 - 3. It is as important to exclude innocent persons as it is to identify the perpetrator;
 - 4. Photos or persons will be shown one at a time and are not in any particular order;
 - 5. Certainty of a witness' identification of a suspect;
 - 6. Witness should avoid discussing the identification procedure or its results in order to prevent damaging the investigation;
 - 7. Witness understands the instructions.
- G. An interpreter should be used if a witness has a limited understanding or is otherwise physically challenged to communicate in English.

H. If a witness makes an identification the witness shall be asked immediately after the procedure to state, in the witness's own words, how confident the witness is in making the identification. The response will be documented in the provided space of the "LPD Photo or Live Line-up Instructions" form and in a Supplement Report.

3.01.004 IDENTIFICATION RECORD. Officers will accurately and comprehensively detail any suspect identification procedure in Supplement Reports. They will properly mark all photos or other recorded identification procedures and submit them as evidence whether or not an identification was made. Officers will have identifying witnesses sign any photos or relevant evidence indicating the person they identified.

3.02 POLYGRAPH

3.02.001 STATUTORY REQUIREMENTS. LPD polygraph examiners will comply with all statutory requirements related to polygraph operations, including the Polygraph Examiners Act.

3.02.002 ADMINISTRATIVE INVESTIGATIONS. Examiners may administer polygraph examinations in administrative investigations only by order of the Chief of Police or Acting Chief of Police for the following reasons:

A. The complainant passes an LPD polygraph; or

B. The Chief believes there are extraordinary circumstances that raise questions about officer or LPD integrity.

3.02.003 MANDATORY PRE-EMPLOYMENT TESTING. Applicants for Probationary Police Officer and Property Custodian positions must take polygraphs and show no signs of deception to be eligible for employment. Examiners will not test applicants for any other City position.

3.02.004 RESULTS CONFIDENTIAL. Staff will only release polygraph results to persons identified in Chapter 1703, Texas Occupation Code.

3.03 SEXUAL ASSAULT INVESTIGATIONS

3.03.001 OFFICER DEMEANOR. Officers will treat victims with compassion, consideration, patience and respect for personal dignity. They will not be critical or give personal opinions about the situation.

3.03.002 APPROPRIATE LANGUAGE. Officers will speak appropriately and use terms appropriate for victims' age, intelligence and education level.

- 3.03.003 RAPE CRISIS ASSISTANCE.** Officers will immediately have the Rape Crisis Center notified for any sexual assault or attempt. If feasible, officers will wait for Rape Crisis volunteers to explain medical exams, personal hygiene to preserve evidence and the investigation/prosecution process. Officers will allow Rape Crisis volunteers to stay with victims during any part of the investigation if the victim approves and the volunteer does not interfere.
- 3.03.004 PERSONS INVOLVED.** Investigating officers will limit the number of persons, including other officers, present during interviews. Only one officer will conduct the initial investigation, keeping it as private and brief as feasible while getting enough information for a complete report. Officers may grant victims' requests to have one support person with them during investigations.
- 3.03.005 PSEUDONYMS.** Officers will give victims the opportunity to choose pseudonyms. Staff will protect the confidentiality of pseudonyms according to Chapter 57 of the Code of Criminal Procedure.
- 3.03.006 REPORT PROTOCOL.** Initial officers will write the basic facts of the incident in a concise original Crime Report covering the elements of the offense. They will document detailed, investigative and sensitive information in Supplement Reports.
- 3.03.007 CASE PROGRESS.** Assigned Person Crimes Unit investigators will keep victims informed of case progress.
- 3.04 JUVENILE OFFENDER INVESTIGATIONS/PROCESSING**
- 3.04.001 PURPOSE:** To provide guidelines for juvenile investigations and for handling and processing juvenile offenders.
- 3.04.002 POLICY.** The LPD understands juvenile offenders have additional rights and protections under the law. It will take appropriate action to protect both juvenile offenders and the public.
- 3.04.003 CHILDREN UNDER TEN YEARS OLD.** Regardless of the offense, officers will not process any juvenile under ten years old. They will release them to a parent, guardian or other responsible adult.
- 3.04.004 PROCESSING REQUIRED.** Arresting officers will process juvenile offenders when there is probable cause to believe they have committed a Class B misdemeanor or higher offense. Arresting officers must follow processing procedures regardless of whether the juvenile offender is

released to a parent/guardian or booked into the Lubbock County Juvenile Justice Center (LCJJC) for detention.

- 3.04.005 PROCESSING LOCATION.** Juvenile offenders will be processed at LCJJC.
- 3.04.006 CUSTODY TIME LIMITS.** Juvenile offenders may not be held more than six hours. By the end of that time, they must be released to a parent, guardian or other responsible adult, or booked into LCJJC if appropriate.
- 3.04.007 JUVENILES KEPT FROM ADULTS.** Juvenile offenders will not be detained, committed or processed anywhere with adults ARRESTED for, CHARGED with or CONVICTED of a crime. Officers will not allow personal contact between juvenile and adult offenders.
- 3.04.008 STATEMENTS BY JUVENILE SUSPECTS.** Unless they have the appropriate training and experience, officers will not take written statements of accused from juvenile offenders without the help of a Juvenile investigator.
- 3.04.009 JUVENILE CALL OUT.** Watch Commanders will notify the Family Crimes Unit Commander or appropriate designee who will ensure Juvenile investigators are called out when a juvenile is suspected of any crime involving serious bodily injury or homicide.
- 3.04.010 FINGERPRINTS/PHOTOS NOT REQUIRED.** Juvenile offenders will not be fingerprinted or photographed when arrested for:
- A. Class C misdemeanors;
 - B. Runaway or truancy;
 - C. Violations of probation; or
 - D. Directives to Apprehend.
- 3.04.011 JUVENILE OFFENDERS FROM OTHER JURISDICTIONS.** If officers arrest juvenile offenders the LCJJC will not accept because they are from other jurisdictions and officers cannot find parents or guardians, Watch Commanders will notify the Family Crimes Unit Commander who will have Juvenile investigators take charge of the arrestee, determine if they are under a Juvenile Court's jurisdiction and make case dispositions.
- 3.04.012 POST-PROCESSING RELEASE OF JUVENILE OFFENDERS.** After processing, officers will release juvenile offenders to parents or guardians instead of booking them into LCJJC when the juvenile offender does not meet the acceptance criteria under 3.04.013.

3.04.013 LCJJC ACCEPTANCE CRITERIA. Generally, LCJJC accepts only offenders who have committed Class B misdemeanor or higher offenses.

LCJJC accepts juveniles arrested for non-jurisdictional offenses such as truancy, being a runaway from another state or Class C misdemeanors if:

- A. There are also Class B misdemeanors or higher charges;
- B. The offender is on official probation, parole or court ordered supervision from any jurisdiction; or
- C. The offender is scheduled to appear in a Juvenile Court in any jurisdiction.

Arresting officers will provide LCJJC staff a complete copy of their Arrest Report when they take them a juvenile offender.

3.04.014 FIELD RELEASE CITATIONS. Arresting officers may issue field release citations when a juvenile offender:

- A. Possesses alcohol;
- B. Commits a traffic offense and is 14 years old or older; or
- C. Commits a non-traffic-related Class C misdemeanor and is ten years old or older.

Officers will write an Arrest Report for any Class C misdemeanor offense except traffic.

3.05 CRIMES AGAINST CHILDREN INVESTIGATIONS

3.05.001 PURPOSE: To provide guidelines for handling child abuse or neglect investigations.

3.05.002 POLICY. The LPD will thoroughly investigate all reports of child abuse or neglect. It will take lawful, appropriate action to protect child victims and successfully prosecute their abusers.

3.05.003 CHILD ABUSE includes acts or omissions, classified as crimes under the Penal Code, by a parent, guardian or other adult responsible for a child when that child is the victim.

3.05.004 CHILD NEGLECT includes acts or omissions less than child abuse but that deprive a child of essential needs or care.

3.05.005 GENERALLY. Every officer should, at all times and in all places, watch for signs of child abuse or neglect including suspicious injuries, behaviors or illnesses. Child victims may be unable or reluctant to confirm abuse or neglect for many reasons. Officers should initially obtain information for reports from outcry witnesses and reporting parties and limit interviews of child victims to the basic information needed for a preliminary investigation.

When sexual abuse is alleged, officers should pay close attention to a child's statements, difficulty walking or sitting or any other signs supporting the allegation.

3.05.006 REPORTING CHILD ABUSE/NEGLECT. Officers with reason to believe a child's mental or physical health or welfare may have been or may be affected by abuse or neglect will document a complete written report. Staff who receive reports of child abuse or neglect will get the following information, if available:

- A. Name, age, address and condition of the victim;
- B. Name and address of the parents or persons in charge of the child and identities of any siblings living in the same home; and
- C. Details of the incident or injury that prompted the report.

3.05.007 RESPONSE MANDATORY. Officers must respond to reports of child abuse or neglect regardless of how they learn of the abuse or neglect.

A. **BASE OF ACTION.** Responding officers to reports of child abuse or neglect should act based on:

- 1. Their assessment of the child's injury;
- 2. Potential risk to the child;
- 3. Social agencies available to help the officer; and
- 4. Community standards.

B. **CHILD NEGLECT.** Responding officers finding signs of child neglect that do not require emergency removal, such as unsafe environmental conditions or lack of supervision should:

- 1. Speak to the child's parents or guardians about the child's safety;

2. Encourage parents or guardians to get necessary medical treatment for the child;
3. If asked, tell parents or guardians about possible community resources to help with child care; and/or
4. If appropriate, warn parents or guardians about criminal penalties for child abuse.

If no adult is available, responding officers should:

5. Have a supervisor present before entering the home;
6. Find the parents or persons with custody of the child; and
7. When feasible, arrange for temporary care in the home with a responsible adult relative or neighbor, so the child may remain in a familiar environment.

C. INTERVENTION MANDATORY. Officers must intervene for a child, in the home or not, when:

1. A child has suffered serious bodily injury because of neglect or abuse;
2. Officers reasonably believe a child is in immediate danger of physical injury;
3. A child has been sexually abused; or
4. A child needs immediate medical attention to prevent death, disfigurement or major physical harm and the parents are unwilling to obtain, or unavailable to consent to, treatment.

D. INTERVENTION OUTSIDE THE HOME. Officers finding a child in distress outside the home should:

1. Identify the person in charge of the child;
2. Notify them of the child's condition;
3. Return the child to them; or
4. If appropriate, send the child to a medical facility where the person in charge of the child can consent to treatment.

If the child refuses to return home or someone in charge of the child cannot be reached, officers should call Child Protective Services (CPS).

- E. **NON-EMERGENCY MEDICAL TREATMENT.** If officers reasonably believe a child with signs of abuse needs non-emergency medical treatment, they should try to get permission from someone in charge of the child. If refused, officers should call CPS.

3.05.008 SOCIAL AGENCY COOPERATION. Officers will engage in a collaborative effort with social agencies when investigating abuse and neglect cases against children.

- A. **INFORMATION FROM CHILD PROTECTIVE SERVICES.** Investigating officers may get from CPS:

1. Results of any civil investigation of the family;
2. Plans to return the child to their home or to close an investigation;
3. Notice of court action removing the child from the home;
4. Notice of a CPS worker removing the child from home before obtaining a court order; and
5. A complete written report when sufficient grounds exist for CPS to file a suit affecting the parent-child relationship.

- B. **CHILD INTERVIEW.** Officers may ask CPS or Child Advocacy Center (CAC) workers for assistance interviewing a child victim or witness.

- C. **ASSISTANCE PROHIBITED.** Officers will not ask a CPS or CAC worker to get evidence from other sources or to question any other person.

- D. **REPORTING PARTY IDENTITY.** Officers will not identify the reporting party to anyone under investigation for child abuse.

3.05.009 EMERGENCY REMOVAL WITHOUT CONSENT. Officers will only remove a child from the home without parents' or guardians' consent and without a court order when they have probable cause to believe the child faces immediate danger to physical health or safety and there is no time to get a court order. An officer making an emergency removal will immediately notify a supervisor and CPS. They should have a CPS worker on scene if possible.

- A. **ENTRY – PRIVATE PREMISES.** Officers will try to enter peacefully. However, they may use reasonable force to enter and remove a child in an emergency, such as when officers reasonably believe a child is in immediate danger of serious bodily injury or to give emergency aid.
- B. **AFTER REMOVAL** of a child, officers should send the child to a medical facility for examination, if needed, and ask CPS to get a court order for treatment.
- C. **REPORT.** An officer who removes a child under these circumstances must immediately document a complete written report of the removal, detailing the situation and all actions taken.

3.05.010 FAMILY CRIMES UNIT CALL OUTS. Watch Commanders will initiate a Family Crimes Unit call out for:

- A. All infant deaths;
- B. Serious child physical or sexual abuse that has just occurred;
- C. Missing children under ten years old after all reasonable attempts to find the child are exhausted; or
- D. When Watch Commanders believe they need Family Crimes Unit investigators.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 4

4.00 EMERGENCY VEHICLE OPERATIONS

4.00.001 PURPOSE: To provide guidelines for decisions on the emergency operation of law enforcement vehicles.

4.00.002 POLICY. Emergency vehicle operations, including vehicle pursuits, emergency call responses, motor vehicle stops and police escorts have the potential to endanger citizens, officers and suspects. The LPD has a responsibility to help officers safely perform their duties. For these reasons, the LPD regulates the emergency operation of law enforcement vehicles.

Neither state law nor this policy relieves officers from their duty to drive with due regard for the safety of all persons, or from the consequences of failing to do so.

4.00.003 CHAPTER REVIEW. Officers will review this chapter in full at each driver training session and periodically as necessary after emergency vehicle operation situations.

4.01 NEED AND RISK

4.01.001 NEED refers to the urgency of the circumstances requiring police intervention. Officers will evaluate the need to pursue, make an emergency response, etc. based on:

- A. The seriousness of the offense, emergency situation, requisite for law enforcement aide, etc.;
- B. Whether the officer's immediate pursuit, emergency response, intervention, aide, etc. is necessary to ensure safety, prevent injury, protect human life or to capture a suspect, etc.; and
- C. What alternative courses of action, if any, are available to reach a comparable result.

4.01.002 RISK refers to the countervailing public safety concerns, including:

- A. The nature and severity of harm the officer's actions could cause, including injuries to bystanders as well as the possibility that a crash may prevent the officer from continuing;

- B. The likelihood any harm would occur based upon factors such as present traffic and weather conditions, time of day, etc.; and
- C. Whether an unreasonable risk of harm would be clear to a reasonably prudent officer.

4.01.003 CONSTANT EVALUATION. Because situations and conditions in emergency vehicle operations may change rapidly, officers and supervisors will constantly evaluate whether to continue an emergency law enforcement vehicle operation or abandon it.

4.02 VEHICLE PURSUIT

4.02.001 DEFINED. Vehicle pursuit is an active attempt by officers in police vehicles to capture suspects intentionally fleeing in vehicles.

4.02.002 APPROVED PURSUIT. Officers may begin or continue pursuit if they reasonably believe the NEED to immediately capture the suspect is greater than the RISK to the public or themselves.

4.02.003 PURSUIT PROHIBITED. Officers will not pursue when:

- A. The RISK to the public from the pursuit outweighs the NEED to immediately capture the suspect;

Excepted by TX Attorney General letter ruling OR2018-23861

4.02.004 PRIMARY OFFICERS are those who initiate pursuits or replace that officer. They will immediately inform Communications of:

- A. The pursuit and the reason for it;
- B. The location and direction of the pursuit; and
- C. A description of the suspect vehicle and a license plate number if possible.

The primary officer will direct the pursuit until a supervisor takes charge.

4.02.005 BACKUP OFFICERS will follow the primary officer and assist as needed.
Excepted by TX Attorney General letter ruling OR2018-23861

4.02.006 SUPERVISORS assigned to pursuits will participate in them and will:

- A. Identify their unit number on the radio channel with the pursuit;
- B. Monitor and direct the pursuit;
- C. Control the number of officers involved and the tactics used; and
- D. Have primary responsibility to continue or terminate the pursuit. Supervisors will base their decision to continue or terminate according to their evaluation of the NEED and RISK factors in 4.01.001 and 4.01.002 as well as other provisions in this chapter.

4.02.007 PURSUIT RESTRICTIONS include:

Excepted by TX Attorney General letter ruling OR2018-23861

4.02.008 **TERMINATION** may be the most reasonable way to protect the lives and property of the public, officers and suspects. Officers may terminate pursuits by abandoning them or forcibly stopping suspect vehicles when authorized by a supervisor.

A. **ABANDONING.** The primary officer, assigned supervisor or any commander may order a pursuit to be abandoned. Officers will immediately abandon pursuit when the RISK to the public outweighs the NEED to immediately capture the suspect.

Excepted by TX Attorney General letter ruling OR2018-23861

4.02.009 OTHER AGENCY PURSUITS. LPD officers may assist these pursuits within Lubbock city limits when the other agency requests and an LPD supervisor authorizes. Supervisors should determine the reason for the pursuit and the number of other agency vehicles involved before authorizing assistance. Officers and supervisors will follow LPD pursuit policy, constantly balancing the RISK from the pursuit against the NEED to immediately capture the suspect. Officers will not continue outside the city limits unless specifically requested by the other agency and authorized by an LPD supervisor.

4.02.010 OTHER AGENCY NOTIFICATION. Supervisors will have all appropriate agencies notified when LPD officers pursue outside the city limits.

4.02.011 DEPARTMENT REVIEW. Officers will make a Crime Report on all pursuits as well as any necessary Supplement Reports. They will also complete all necessary entries in the Internal Affairs software system as soon as feasible. Supervisors and commanders will review all pursuits, and will forward them along with their comments and any recommendations to the appropriate Division Commander if no policy violations are found, or appropriate Assistant Chief if policy violations are found, in the Internal Affairs software system. After all reviews have been completed, supervisors and/or commanders may also review and debrief pursuits with officers as needed with a focus on improving tactics and conformance to policy. Incidents of training value will be forwarded to the Training Division Commander.

4.02.012 USE OF FORCE REPORTING REQUIRED. Officers will report any use of force occurring during a pursuit, such as intentional collisions with suspect vehicles, roadblocks, etc., through the Internal Affairs software system in accordance with Chapter 6.

4.03 EMERGENCY CALL RESPONSE

4.03.001 DEFINED. Emergency call response is an active effort by officers to arrive quickly at the scene of an emergency situation.

4.03.002 APPROVED EMERGENCY RESPONSE. Officers making an emergency response to an emergency situation will do so according to their evaluation of the NEED and RISK factors promulgated in 4.01.001 and 4.01.002, respectively, and must be able to articulate that the NEED to make an emergency response outweighed any prevailing RISK to the public or themselves. The discretion, along with the accountability, to make or stop an emergency response lies primarily with each individual responding officer; however, a supervisor aware of information regarding existent

NEED and RISK factors relevant to the emergency situation may order officers to stop an emergency response.

4.03.003 EMERGENCY RESPONSE PROHIBITED. Officers will not make an emergency response when the RISK to the public or themselves from the emergency response outweighs the NEED for immediate police response and intervention.

4.03.004 EMERGENCY RESPONSE RESTRICTIONS include:

A. Officers will ALWAYS respond “Code 3,” using available emergency lights and sirens, when making an emergency response.

Excepted by TX Attorney General letter ruling OR2018-23861

B. Officers may disregard traffic regulations for vehicle movement and speed. They will slow enough to safely avoid cross traffic before passing through intersections, red lights or stop signs.

C. Patrol vehicle recording systems document when officers are responding “Code 3.” Officers without vehicle recording systems will immediately notify Communications when making an emergency response. Officers need not advise Communications when they discontinue an emergency response.

4.03.005 NON-EMERGENCY RESPONSE. Officers will only respond “Code 1,” without emergency lights or sirens, and will obey all traffic regulations when not making an emergency response and when responding to non-emergency situations.

4.04 MOTOR VEHICLE STOPS

4.04.001 DEFINED. Motor vehicle stops are occasions in which officers stop a motor vehicle for an alleged violation of a law or ordinance or to conduct a temporary detention of an occupant of a motor vehicle.

4.04.002 APPROVED MOTOR VEHICLE STOP PROCEDURES. Officers making a motor vehicle stop will do so according to their training and applicable laws. They may make motor vehicle stops using only emergency lights when the use of their siren is not reasonably necessary. Officers will make motor vehicle stops safely based on their evaluation of the NEED and RISK factors promulgated in 4.01.001 and 4.01.002, respectively, taking into consideration factors such as location, traffic density, violation seriousness, opportunity for success, etc.

4.04.003 **MOTOR VEHICLE STOPS PROHIBITED.** Officers will not make motor vehicle stops when present conditions cause RISK factors to clearly outweigh the immediate NEED to make a stop.

Excepted by TX Attorney General letter ruling OR2018-23861

4.04.004 **MOTOR VEHICLE STOP RESTRICTIONS** include:

A. ***Excepted by TX Attorney General letter ruling OR2018-23861***

B. Officers will always use both emergency lights and sirens (“Code 3”) when disregarding stop and go traffic signals and in limited visibility situations in order to make motor vehicle stops.

C. Officers operating unmarked police vehicles equipped with emergency lights and/or sirens may make motor vehicle stops. They will take into account the increased RISK factors inherent to having more limited visibility of their emergency equipment when deciding to make a motor vehicle stop.

Excepted by TX Attorney General letter ruling OR2018-23861

D. Officers will have emergency lights activated for the duration of motor vehicle stops and will use them to safely re-enter traffic flow upon completion.

4.05 **POLICE ESCORTS**

4.05.001 **DEFINED.** Police escorts are actively facilitating the movement of funerals, oversized or hazardous loads, dignitary motorcades or other traffic disruptions for public safety purposes by officers.

4.05.002 **PROTOCOL FOR POLICE ESCORTS.** Officers should arrive to scheduled police escorts with enough time to provide input into route designation. Escorts will be conducted according to training, applicable laws and policies and procedures. Officers will perform escort services considering NEED and RISK factors promulgated in 4.01.001 and 4.01.002, respectively.

4.05.003 POLICE ESCORTS PROHIBITED. Officers will not conduct escorts when present conditions cause RISK factors to clearly outweigh the immediate NEED to perform them.

Excepted by TX Attorney General letter ruling OR2018-23861

4.05.004 POLICE ESCORT RESTRICTIONS include:

- A. Supervisors or dispatchers will assign motorcycle units to funeral escorts when available. They may assign marked patrol vehicles when motorcycles are unavailable but may not assign both to the same funeral escort.
- B. Officers on escorts will use emergency lights and headlights throughout the escort. They will use both emergency lights and sirens when passing through intersections against red traffic lights or stop signs.
- C. Officers who come across motorists attempting to transport a medical emergency to a hospital should avoid conducting a police escort of the vehicle to the hospital unless doing so would clearly be more advantageous because of an already close proximity to a hospital. They should instead secure the location, call for EMS and provide first aid assistance.
- D. When feasible, officers may secure significant intersections for other emergency vehicles making emergency responses but should not provide actual escort for them.

4.06 CRASHES

4.06.001 ACCIDENT PREVENTION. Regardless of the use of emergency lights and sirens, officers bear the responsibility to avoid collisions and shall operate police vehicles in such a manner as to do so when conducting emergency vehicle operations, especially when disregarding traffic regulations. While officers cannot predict or control the actions of suspects, other drivers or pedestrians, officers shall themselves maintain full control of their vehicle when conducting emergency vehicle operations. Officers shall follow their training and take every necessary precaution to avoid collisions.

4.06.002 NOTIFICATIONS. Watch Commanders will ensure timely notification of the Chief, Field Services Bureau Chief, Accident Investigation Unit, Public Information Officer and COL Risk Management when an emergency vehicle operation involves a crash with injury or significant damage.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 5

5.00 PROPERTY/EVIDENCE HANDLING AND VEHICLE IMPOUNDMENT

5.00.001 PURPOSE: To give guidelines for seizing, analyzing, storing, documenting and disposing of property and evidence, including vehicles.

5.00.002 POLICY. The LPD ensures that property and evidence in its custody is properly secured and stored, readily retrievable and that any changes in its custody are fully documented.

5.01 GENERAL

5.01.001 ITEMS REQUIRED IN PROPERTY ROOM. Officers will submit evidence, contraband, found property and items taken for safekeeping to the Property Room as soon as possible during their shift. Exceptions are noted in this chapter. Further exceptions must be made by a commander. An officer may release property according to this chapter or if it is prohibited in the Property Room.

Commanders may authorize an after-hours call out for Property Custodians when necessary.

5.01.002 FIREARMS. Firearms must be unloaded prior to submitting into the Property Room. Ammunition will be submitted separately from firearms.

All firearms must be rendered incapable of firing a live round utilizing approved zip ties prior to submission. In addition, handguns must be secured inside an approved gun box, which is designed to zip tie the gun to the inside of the gun box. Exceptions must be approved by a sworn LPD supervisor and documented in reports.

5.01.003 DEPARTMENT OF PUBLIC SAFETY (DPS) LAB TESTING. Officers will submit felony drug evidence (excluding marijuana) and items containing blood and body fluid evidence directly to the DPS lab. Blood and body fluid evidence not contained in collection vials must be dried prior to submission in accordance with this chapter. Officers will submit DPS lab documents and reports to LPD Records.

5.01.004 REPORT REQUIRED. Officers will list all property they take custody of, and its disposition, in the appropriate report. Property Custodians will not accept property submitted without a case number.

5.01.005 PROPERTY ROOM DOCUMENTATION. Officers will complete any documentation required by Property Custodians.

5.01.006 IDENTIFYING PROPERTY. Officers will accurately describe property in their reports, including serial numbers if available. They will also fully document property in the appropriate sections of the report writing system. They will mark all items with their name, payroll number, case number, date and time in a way which will not devalue the items.

5.01.007 AFTER-HOURS INTAKE. Officers submitting property after regular Property Room hours will:

- A. Place property in a locker or cage along with the original copy of a fully completed, signed and dated property intake form;
- B. Keep one copy of the intake form;
- C. Use only the minimum number or size of lockers or cages required to contain the property;
- D. Lock the locker or cage and place the key in the drop box;
- E. Padlock bicycles on the bike rack; and
- F. Not leave property in the open area or in an unlocked locker or cage.

Officers will submit items that will not fit into a locker or cage to the Property Room during regular Property Room hours as soon practicable.

5.01.008 MONEY/DRUGS. Officers will separate money and drugs from other items and place them each in a separate container with a detailed list of the contents. A second officer must confirm the contents, seal and sign the container along with the seizing officer.

Officers will submit money seized for forfeiture to the Property Room or to assigned Special Operations personnel. They will send the seizure affidavit and the case number to Special Operations. The designated person in Special Operations will submit the seizure affidavit to the District Attorney's office. Seized money will be deposited into the City's designated escrow account by the Special Operations Division Commander or designee.

5.01.009 SPECIAL OPERATIONS SEIZURES. Special Operations officers may store seized items for forfeiture in a designated safe storage location in the Special Operations facility with the Special Operations Division

Commander's approval. They will document the disposition of items seized for forfeiture in reports.

Documentation in support of federal and state reporting requirements regarding seized property for forfeiture is the responsibility of the Special Operations Division Commander.

5.01.010 PURCHASE/ACCEPTANCE. Staff will not buy, offer to buy or accept as a gift property in LPD custody or offered by persons involved in LPD investigations.

5.01.011 DAMAGED/LOST PROPERTY. Staff are accountable and may be required to pay for lost or damaged property in their official custody or for which they had an official obligation to secure.

5.01.012 PRISONER PROPERTY. Officers will secure and submit this according to LPD and/or Lubbock County Detention Center policies and procedures.

5.02 PROHIBITED ITEMS

5.02.001 POLICY. Officers will not submit these to the property room:

5.02.002 FOOD/PERISHABLES. Officers will dispose of these with a supervisor as witness or return them to the owner if possible.

5.02.003 EXPLOSIVES (other than firearms ammunition). Officers will contact the appropriate Explosive Ordnance Detail for disposal advice. Officers will submit commercial fireworks to the Lubbock Fire Marshall's (LFM) office.

5.02.004 FLAMMABLES (including gasoline in power equipment tanks). Officers should contact the DPS lab or LFM's office for identification and disposal advice.

5.02.005 WET OR BLOODY ITEMS. Officers will dry these before submittal to the Property Room or DPS lab. Drying should be done by certified Crime Scene Officers and in accordance with their training and policies.

5.03 EVIDENCE

5.03.001 CHAIN OF CUSTODY. Officers will detail the chain of custody in their reports for all evidence they seize. This will include who found and seized the property, when and where they found it, where and how they stored it prior to submitting it to the Property Room and who submitted it to the Property Room.

- 5.03.002 CRIME SCENE IDENTIFICATION EVIDENCE.** Officers placing latent fingerprints, film, data storage devices or interview cards in the designated drop box will identify them according to this chapter and will note the submission in the log book. Interview cards do not require a case number.
- 5.03.003 FIELD TESTING DRUGS.** Officers will field test all suspected drugs unless it would jeopardize lab testing because of small sample size.
- 5.03.004 MARIJUANA AND MISDEMEANOR DRUG CASES.** Officers who seize this evidence will submit it to the Property Room until needed for trial. They will then submit the evidence to the DPS lab for analysis.
- 5.03.005 EVIDENCE FOR COURT.** Officers taking evidence from the Property Room for court must return it the same day. If the Property Room is closed, officers will secure the evidence in an after-hours locker with a property intake form marked, "returning from court." If they release the evidence to the court, they must return the LPD Court Evidence Receipt form to the Property Room not later than the next business day.

Property Custodians will report non-compliance to their supervisor.

5.04 NON-EVIDENTIARY PROPERTY

- 5.04.001 CONTRABAND** is property that is illegal to possess, whether evidence of a crime or not. Officers will submit contraband to the Property Room unless it is a prohibited item according to this chapter.
- 5.04.002 FOUND PROPERTY** is property, other than contraband, found by others and reported to officers, or found by officers during police activity.
- A. **VALUABLES.** Officers will reasonably try to return obviously valuable found property to the owner. They must submit it to the Property Room if they cannot find the owner or if the property may have evidentiary value.
 - B. **NON-VALUABLES** are items with no obvious monetary or evidentiary value. Officers should not submit this property to the Property Room. They may refuse to accept non-valuables and leave them with the finder.
 - C. **CLAIMING.** Officers should tell persons reporting found property that the City will dispose of the property if the owner does not claim it within 30 days or the finder does not show a court order for the property. Finders may not claim contraband, pharmaceuticals, alcoholic drinks, firearms or ammunition. Officers may not claim found property.

5.04.003 SAFEKEEPING PROPERTY is usually small valuables found during vehicle inventories or weapons given to, or seized by, officers investigating domestic disputes to reduce future risks. Officers will identify these items as safekeeping property when submitted to the Property Room.

5.04.004 SUSPECTED STOLEN PROPERTY is property seized because ownership cannot be immediately proven and officers reasonably suspect it may be stolen.

5.05 PROPERTY DISPOSITIONS

5.05.001 NOT RETURNED OR SOLD. Property Custodians will destroy non-evidentiary contraband, pharmaceuticals and opened alcoholic drinks. The LPD will not auction firearms or ammunition.

5.05.002 OWNER NOTIFICATION. Property Custodians will send written notification to property owners that they have 30 days to claim their property or the City will dispose of it.

If officers have not identified the true owner of suspected stolen property within 30 days, Property Custodians will notify the person from whom it was taken that they have 30 days to claim the property with a court order or the City will dispose of it. Officers may ask Property Custodians to hold property another 30 days by documenting their reasons in a Supplement Report and emailing the case number to the Property Room supervisor.

5.05.003 UNCLAIMED EVIDENCE. Except as noted in this chapter, Property Custodians will follow the Code of Criminal Procedure (CCP) to dispose of all evidence not claimed within 30 days after final case disposition.

They may dispose of misdemeanor evidence after one year unless charges have been filed or the owner claims the property.

They may dispose of felony evidence after final case disposition or the statute of limitations expires.

5.05.004 UNCLAIMED FOUND, SAFEKEEPING AND RECOVERED STOLEN PROPERTY. Property Custodians will follow the CCP to dispose of this property if not claimed within 30 days.

5.05.005 ALCOHOLIC DRINKS. Property Custodians may release any unclaimed alcoholic drinks with no criminal cases pending to the Texas Alcoholic Beverage Commission (TABC). The TABC may authorize the COL to dispose of these.

5.05.006 **FEDERAL FIREARMS VIOLATIONS.** Property Custodians who receive weapons taken for federal violations will notify the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

5.05.007 **RECOVERED STOLEN PROPERTY.** When officers identify owners of stolen property, they should release the property to the owner unless they need the property for fingerprinting, identification or forensic testing. Officers will photograph or video-record the victim with the property and include identifiers such as serial numbers, price tags, etc. Officers will have the owner sign a property receipt form and process the photographs or video as evidence.

Property Custodians will also follow this procedure to release recovered stolen property from the Property Room.

5.06 PAWNSHOP PROPERTY

5.06.001 **HOLD ORDERS.** Officers must have probable cause to believe property found in pawnshops is stolen before they can hold that property. They must identify items by serial number or unique characteristics.

Officers finding possible stolen property in pawnshops will place a verbal hold on the property, complete the proper report and notify a Property Crimes Unit supervisor by the next business day.

Property Crimes Unit investigators will complete a hold order and submit the original to Records. They will give a copy to the pawnshop operator. They will also justify the hold in the proper reports and continue the investigation promptly.

5.06.002 **TIME LIMITS.** Officers may hold property for 60 days on LPD cases and ten days when assisting other agencies.

5.06.003 **SEIZING PROPERTY.** Officers seizing property that pawnshop operators have voluntarily surrendered will complete a "Property Seizure and Receipt Form," give a copy to the pawnshop operator and submit the original to Records. Officers will notify a Property Crimes supervisor of the property seizure and case number by the next business day, and document this in their report.

5.07 VEHICLE IMPOUNDMENT

5.07.001 ILLEGALLY PARKED AND DISABLED VEHICLES. Officers may impound these vehicles to protect life or property in emergencies with supervisor approval. Supervisors will consider the nature and length of violation, efforts to contact owners and the ability and efforts to remove the vehicle by anyone responsible for it.

Detectives/Corporals do not need supervisor approval to impound illegally parked and disabled vehicles but may not approve such for Patrol Officers. Detective/Corporals will not subrogate themselves in place of a Patrol Officer requesting supervisor approval for the purpose of circumventing this policy.

5.07.002 ABANDONED VEHICLES are:

- A. Inoperable, more than five years old and unattended on public property more than 48 hours;
- B. Illegally on public property more than 48 hours;
- C. On private property more than 48 hours without the property owner's consent;
- D. Unattended on the right-of-way of a designated county, state or federal highway more than 48 hours; or
- E. Unattended on the right-of-way of a controlled-access freeway more than 24 hours.

Officers finding abandoned vehicles will place a completed LPD abandoned vehicle sticker on them and submit a completed abandoned vehicle card to the Wrecker Ordinance Corporal. Staff will refer reports of vehicles abandoned in storage facilities to the Wrecker Ordinance Corporal. The Wrecker Ordinance Corporal may tow stickered vehicles after 48 hours.

5.07.003 WRECKED VEHICLES. Officers may impound a vehicle that has been involved in a crash and which cannot be safely driven. Drivers will decide their vehicle's disposition if they can. If not, officers may have vehicles towed to the contract wrecker's impound lot.

5.07.004 STOLEN VEHICLES. Officers may impound any vehicle they reasonably believe is stolen and the owner cannot respond to take possession of.

5.07.005 ARRESTS. Officers may impound any vehicle when they make a custodial arrest of the person controlling the vehicle and that person was in the

vehicle or exited immediately before arrest. Officers will look for alternatives to impoundment when feasible.

- A. **LEAVE AT SCENE.** Officers may leave a vehicle at the scene if the arrested person agrees and signs a "Waiver of Liability." Officers will not impound a vehicle on private property if the property owner agrees it can remain. Officers do not have to try to locate property owners after hours or when a business is closed.
- B. **RELEASE TO ANOTHER.** Officers may release a vehicle to another person if that person produces a driver's license, is capable of driving and is willing to take the vehicle, and if the arrested person signs a "Waiver of Liability." Officers should confirm vehicle ownership before releasing.

Officers will impound vehicles when waivers are not signed. They will impound vehicles if the arrested person appears mentally incapable of consenting to the waiver or would endanger the officer if un-handcuffed to sign. Officers should try to get waivers signed before handcuffing if feasible. Officers will submit any signed waivers as trailing documents to Records.

5.07.006 FINANCIAL RESPONSIBILITY IMPOUNDS. Officers impounding a motor vehicle for no financial responsibility will issue a citation for the violation in compliance with LPD General Manual 9.03.008 and write an Incident Report or include such information in another related Crime Report or Supplement Report. Officers may impound motor vehicles operated on a public street without liability insurance when:

- A. Officers stop a vehicle for a city or state law violation, or if a vehicle is involved in a traffic accident;
- B. The owner/operator cannot show proof of financial responsibility; and
- C. Officers confirm the lack of coverage through the state insurance data base.

5.07.007 IMPOUND CARDS. Officers will complete impound cards for all impounded vehicles and submit them to the Police Desk by the end of their shifts for computer entry by Public Service Officers who will make such entries in a timely manner.

5.07.008 SPECIAL OPERATIONS SEIZURES. Supervisor approval is required prior to conducting Special Operations seizures of vehicles.

If approved, the supervisor will contact a Special Operations supervisor to have the vehicle secured in the appropriate facility. The seizing officer will

inventory the vehicle, remove all property that is not evidence or contraband and either release the property to the owner or process it according to this chapter. Officers may drive seized vehicles to the Special Operations storage facility. Seizing officers will send their seizure affidavit with the case number to Special Operations. The designated person in Special Operations will submit the seizure affidavit to the District Attorney's office.

- 5.07.009 EVIDENCE SEIZURES.** Supervisor approval is required prior to conducting evidence seizures on vehicles and only if additional time is needed to process vehicles as evidence. They must note the case number, their names and payroll numbers on impound slips.

Supervisors authorizing evidence seizures will coordinate with either the Crime Scene Identification Unit or Accident Investigation Unit as applicable to have the vehicle towed to the appropriate facility for processing. Such evidence is then subject to processing and storage according to the Texas Code of Criminal Procedure and this General Manual.

5.08 VEHICLE INVENTORY

- 5.08.001 PURPOSE:** Officers will thoroughly inventory vehicles to protect personal property, the LPD against claims of loss and themselves and others from dangerous items in vehicles. They will not use inventories instead of probable cause to search for evidence.
- 5.08.002 POLICY.** Officers will inventory all vehicles legally impounded or subject to Special Operations seizures under this Chapter.
- 5.08.003 SCOPE.** Officers will inventory the passenger compartment, glove box, console, etc., as well as the trunk. They may open closed containers to comply with this chapter.
- 5.08.004 AFTER CUSTODIAL ARREST.** Officers should inventory vehicles impounded after arrests at the scene and in the arrestee's presence when feasible.
- 5.08.005 VALUABLES/EVIDENCE.** Officers will remove valuables, firearms, evidence and contraband, and they will submit such items to the Property Room in accordance with this chapter.
- 5.08.006 RECORDING.** Officers will list the items found during impounded vehicle inventories in Supplement Reports and on impound cards, and will list the items found during Special Operations seizures in Supplement Reports only. They will describe the items in detail and will note where they found them along with who conducted the inventory.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 6

6.00 USE OF FORCE

6.00.001 PURPOSE: To provide guidance for the use of force and procedures for reviewing its use.

6.00.002 POLICY. It is the policy of the LPD to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of officers and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances. The LPD will not tolerate the use of excessive force.

6.00.003 STANDARD OF OBJECTIVELY REASONABLE. The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

6.01 GENERAL PROVISIONS

6.01.001 POLICY. These provisions apply to both less-lethal and deadly force.

6.01.002 IDENTIFICATION AS PEACE OFFICER. Where feasible, officers shall identify themselves as peace officers and state their intent to arrest, detain or search before using any force. Also, where feasible, officers shall warn of their intent to use deadly force.

6.01.003 FORCE MUST BE OBJECTIVELY REASONABLE. Officers will use no more force than a reasonable officer would use under the total facts and circumstances confronting them in a particular situation. Three factors are relevant to determining what force is reasonable:

- A. The severity of the crime;
- B. Whether a suspect poses an immediate threat to the safety of the officer or others; and
- C. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

- 6.01.004 FORCE DISCONTINUED.** The use of physical force should be discontinued when resistance ceases or when the incident is under control.
- 6.01.005 RESTRAINED PERSONS.** Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer or another person. In these situations, only the minimal amount of force necessary to control the situation shall be used.
- 6.01.006 DUTY TO PROVIDE MEDICAL CARE.** Once the scene is safe and as soon as practical, officers shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured or requests medical attention. This may include providing first aid, requesting emergency medical services and/or arranging for transportation to an emergency medical facility.
- 6.01.007 DUTY TO INTERVENE.** Every officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so.
- 6.01.008 TRAINING AND QUALIFICATION.** Officers will only use LPD authorized tactics or weapons they are trained to use and are currently qualified with. They will use the tactics or weapons according to their training and as authorized by LPD policy.
- 6.01.009 TACTICS OR WEAPONS IN EMERGENCIES.** Officers may use any tactic or weapon available in emergencies when reasonably necessary to protect themselves or others from imminent serious bodily injury or death.
- 6.01.010 SUPERVISOR REQUIRED.** Officers will immediately call a supervisor to the scene when:
- A. They discharge a firearm outside the firing range, except during officially sponsored marksmanship events or legal hunting;
 - B. Use of force results in serious bodily injury or death of a person;
 - C. A person complains that force used against them caused an injury; or
 - D. Misconduct is alleged or suspected.
- 6.01.011 CHAPTER REVIEW.** Officers will review this chapter comprehensively at each firearms qualification and periodically as necessary after use of force incidents. Questions or concerns about this chapter should be addressed immediately to the chain-of-command or the Training Division staff.

6.01.012 REPORTING REQUIRED. If the Office of Professional Standards (OPS) responds to a use of force incident, OPS personnel will document all related use of force entries in the Internal Affairs software system while involved officers will complete all other required reports. All reviews and investigations regarding the incident will then be done according to Chapter 1.14 Administrative Investigations of the LPD General Manual.

If OPS does not respond to a use of force incident, involved officers will enter the use of force in the Internal Affairs software system in addition to completing all other required reports. Use or attempted use of force resulting in unresisted handcuffing; or restraint or physical interaction that separates, guides and/or controls and does not cause pain or injury, is not subject to this reporting. All other uses of force not otherwise addressed in this Chapter or elsewhere in this General Manual will be reported, to include deadly force targeting of specific human threats. Such reports will be entered as soon as feasible. Supervisors and commanders will review such reports, and will forward them along with their comments and any recommendations to the appropriate Division Commander if no policy violations are found, or appropriate Assistant Chief if policy violations are found, in the Internal Affairs software system. After all reviews have been completed, supervisors and/or commanders may also review and debrief use of force situations with officers as needed with a focus on improving tactics and conformance to policy. Incidents of training value will be forwarded to the Training Division Commander.

6.02 DE-ESCALATION

6.02.001 DEFINED. De-escalation is taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion and tactical repositioning.

6.02.002 REQUIRED WHEN POSSIBLE AND APPROPRIATE. Officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with their training whenever possible and appropriate before resorting to force and to reduce the need for force.

6.02.003 DELAY USE OF FORCE WHEN POSSIBLE. Whenever possible and when such delay will not compromise the safety of officers or the public and will not result in the destruction of evidence, escape of a suspect or commission

of a crime, officers shall allow an individual time and opportunity to submit to verbal commands before force is used.

6.03 LESS-LETHAL FORCE

6.03.001 DEFINED. Less-lethal force is any use of force other than that which is considered deadly force that involves physical effort to control, restrain or overcome the resistance of another.

6.03.002 LESS-LETHAL FORCE OPTIONS. Officers are never required to use force options that would unreasonably endanger themselves or others.

Less-lethal force options available to LPD officers are:

- A. Weaponless tactics;
- B. Chemical agents;
- C. Tasers; and
- D. Impact weapons.

6.03.003 AUTHORIZED USE OF LESS-LETHAL FORCE. When de-escalation techniques are not effective or appropriate, officers may consider the use of less-lethal force to control a non-compliant or actively resistant individual. Officers are authorized to use less-lethal force options to:

- A. Protect themselves or others from immediate physical harm;
- B. Restrain or subdue an individual who is actively resisting or evading arrest; or
- C. Bring an unlawful situation safely and effectively under control.

6.04 DEADLY FORCE

6.04.001 DEFINED. Deadly force is any use of force that creates a substantial risk of causing death or serious bodily injury.

6.04.002 RESORTING TO DEADLY FORCE. Officers will attempt all those reasonable means of apprehension and control within their command before resorting to deadly force. However, officers will not unreasonably endanger members of the public, themselves or other officers in applying

these rules in actual situations. Officers will use caution for the protection of other life and property when discharging a firearm.

6.04.003 AUTHORIZED USE OF DEADLY FORCE. Officers are authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified:

- A. To protect themselves or others from what is reasonably believed to be an immediate risk of death or serious bodily injury; or
- B. To prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended.

6.04.004 DRAWING FIREARMS. Officers will not draw or make firearms ready for use unless a reasonable officer under the same circumstances would believe there is a risk to the public or officers, or it may be necessary to use the weapon according to this policy.

6.04.005 AUTHORIZED DISCHARGES. Officers may discharge firearms:

- A. **Excepted by TX Attorney General letter ruling OR2018-23767**
- B. **Excepted by TX Attorney General letter ruling OR2018-23767**
- C. **Excepted by TX Attorney General letter ruling OR2018-23767**
- D. During range practice, officially sponsored marksmanship events, legal hunting, or LPD approved testing; or
- E. To destroy animals threatening public or officer safety, or that are seriously injured. Officers should get supervisor approval and reasonably attempt to notify owners before destroying animals. They will arrange to have the carcass removed.

6.04.006 NEGLIGENCE DISCHARGE of a firearm is any accidental or unintentional discharge of any firearm by any means involving human interaction, regardless of the firearm's status. A Negligent Discharge by an LPD officer violates this chapter.

6.04.007 OFFICER-INVOLVED SHOOTING. An officer-involved shooting (OIS) includes any incident, including a Negligent Discharge, during which an LPD officer discharges a firearm, except under 6.04.005D and 6.04.005E where no injury or unintended property damage occurs.

Any OIS which results in the injury or death of a person must be reported to the Attorney General within 30 days in accordance with Section 1.14.006E.

6.05 DEADLY FORCE RESTRICTIONS

6.05.001 PROHIBITED DISCHARGES. Officers will not discharge firearms in violation of this chapter or as warnings.

6.05.002 LIMITED THREAT. Deadly force should not be used against persons whose actions are a threat only to themselves or property.

6.05.003 *Excepted by TX Attorney General letter ruling OR2018-23767*

6.05.004 *Excepted by TX Attorney General letter ruling OR2018-23767*

6.05.005 CHOKE HOLDS are prohibited unless deadly force is authorized.

6.05.006 *Excepted by TX Attorney General letter ruling OR2018-23767*

6.06 INVESTIGATING FIREARMS DISCHARGES

6.06.001 OFFICERS INVOLVED IN AN OIS will, if not incapacitated:

A. Immediately notify Communications;

- B. Request EMS for injured persons, even if they appear deceased;
- C. Remain at the scene until a supervisor instructs otherwise or when they must leave to stabilize the situation;
- D. Protect their firearms as evidence;
- E. Not discuss the discharge with other officers or witnesses without supervisor approval unless necessary to convey officer safety or tactical information; and
- F. Review their video and audio recordings, LPD policy, and state law prior to making reports or giving written statements.

6.06.002 SUPERVISORS assigned to an OIS will respond to the scene as directed. One will stay with the officer to provide assistance, discuss the incident, and drive the officer to the police department as soon as possible. Others will assist as needed.

6.06.003 WATCH COMMANDERS will respond to the scene of any OIS and take command of the incident.

For OIS's that fall under LPD General Manual 15.02.006, they will ensure the incident is handled according to that section and that the incident is included in Activity Summaries as noted in LPD General Manual 1.04.002.

For all other OIS's, they will ensure the Person Crimes Unit, Office of Professional Standards and Public Information Officer are notified along with the Chief and all Assistant Chiefs; arrange to replace the involved officer's firearm; and have the Crisis Team Coordinator or other Crisis Team member respond to assist the officer.

No officer will replace the involved officer's firearm with their own, leaving themselves unarmed. A replacement will be obtained from the Academy.

6.06.004 ADMINISTRATIVE LEAVE/DUTY. The Chief or an Assistant Chief may place officers involved in an OIS on administrative duty or leave without loss of pay and benefits. This does not imply any wrongdoing. Officers on this leave will stay available for investigative interviews, to provide statements relating to the incident and for psychological counseling services.

6.06.005 PSYCHOLOGICAL SERVICES. The LPD will refer for counseling any officer who has used deadly force resulting in serious bodily injury or death of a person. The officer's family may attend counseling at the discretion of the officer and counselor.

6.06.006 INVESTIGATIVE INTERVIEWS. Officers involved in an OIS will interview with investigators following firearms discharges in order to immediately begin an investigation. Officers will make a Supplement Report detailing their involvement in the incident. They may also provide a sworn statement to investigators. The Chief or Assistant Chief may allow a reasonable time for involved officers to recover from the incident before making their Supplement Report or a sworn statement.

6.07 FIREARMS REVIEW BOARD

6.07.001 APPOINTMENT. The Chief will appoint a Board of three Lieutenants or above and one officer of the same rank and who is similarly assigned as each involved officer to review all firearms discharges except:

- A. To deliver tear gas with on scene supervisor direction;
- B. During range practice, officially sponsored marksmanship events, other legal activities, or LPD approved testing;
- C. To destroy animals threatening public or officer safety, or which are seriously injured; or
- D. Less-lethal rounds that have not caused immediately apparent serious bodily injury or death.

6.07.002 BOARD REVIEW. The Board will thoroughly review all investigative reports and may take testimony from officers and witnesses. It will make a written report with recommendations to the Chief concerning:

- A. The cause of the firearms discharge (i.e. use of deadly force, negligent discharge, weapons malfunction, etc.);
- B. Policy compliance (e.g. appropriateness of a use of deadly force, policy and safety failures leading to a negligent discharge, etc.);
- C. Tactical and training considerations;
- D. Quality of OIS investigations; and
- E. Additional policy considerations.

The Board's written report is for internal LPD use only according to Texas Local Government Code Section 143.089(g), and any release of it may violate state law.

6.07.003 COMPLAINT FROM BOARD. If the Board reviewing an OIS finds policy violations or violations of law, the Board chairman will file a written, signed complaint memo on behalf of the Board individually for each officer believed to have violated LPD or COL policy or any law with the Office of Professional Standards.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 7

7.00 SPECIAL THREAT SITUATIONS

7.00.001 PURPOSE: To provide guidelines for situations involving various special threat situations to include hostages, barricaded armed suspects, snipers, explosive device threats, aircraft emergencies, all-hazard disasters and threats and rapid response situations.

7.01 HOSTAGE/BARRICADED SUBJECT SITUATIONS

7.01.001 POLICY. The LPD's primary objective is to resolve situations peacefully through communication. However, the order of priorities is the safety of hostages, other civilians, officers and, finally, the suspect. This policy is not intended to provide specific procedures for the use of chemical agents, firearms or the degree of force necessary to resolve these situations. Officers must consider these factors in conjunction with individual circumstances and the requirements of a reasonable, legal course of action.

7.01.002 SPECIAL WEAPONS AND TACTICS TEAM. Watch Commanders will immediately notify the Field Services Bureau Assistant Chief and the Special Weapons and Tactics (SWAT) Commander for all these situations.

7.01.003 *Excepted by TX Attorney General letter ruling OR2017-20972*

7.01.004 *Excepted by TX Attorney General letter ruling OR2017-20972*

7.01.005 *Excepted by TX Attorney General letter ruling OR2017-20972*

7.01.006 *Excepted by TX Attorney General letter ruling OR2017-20972*

7.01.007 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.01.008 **INCIDENT COMMANDER** is the designated Assistant Chief or designee, or the highest-ranking officer present. The Incident Commander is in charge and will:

A. Establish a command post;

B. Liaison with other agencies; and

C. Determine the need for Investigation Bureau officers.

7.01.009 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.01.010 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.01.011 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.01.012 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02 **EXPLOSIVE DEVICE THREATS**

7.02.001 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.02.006 ***Excepted by TX Attorney General letter ruling OR2017-20972***

Excepted by TX Attorney General letter ruling OR2017-20972

7.03 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.001 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.006 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.03.007

Excepted by TX Attorney General letter ruling OR2017-20972

7.03.008

AIRCRAFT CRASHES. The LPD will respond initially with at least two Field Services patrol units and one Field Services supervisor. Staff will notify the Chief, the Field Services Bureau Chief, and the on duty Watch Commander of any crash.

A. AIRPORT CRASH SITES

1. **SUPERVISORS** assigned will:
 - a. Contact Airport Police to confirm LPD response is needed and determine the required location for LPD units;
 - b. Confirm notification of the Field Services Bureau Chief and on duty Watch Commander.
 - c. Determine the need for additional units; and
 - d. Report to the Command Post if one has been established.
2. **WATCH COMMANDER** will respond and command LPD operations until relieved.

B. OFF-AIRPORT CRASH SITES

1. **SUPERVISORS** will respond to the scene as directed, confirm notifications of the Chief, the Field Services Bureau Chief, and the on duty Watch Commander, and determine the need for additional units.
2. **WATCH COMMANDER** will respond to the scene, have other necessary personnel notified and:
 - a. Establish an outer perimeter to control vehicle and pedestrian entry into the area;
 - b. Begin evacuating civilians in the immediate area; and
 - c. Establish preliminary staging and news media areas.

3. **INCIDENT COMMANDER** is the Field Services Bureau Chief or highest-ranking officer present. The Incident Commander is in charge of LPD operations and will:

- a. Establish a Command Post; and

- b. Participate in a Unified Command with appropriate agencies.

7.03.009

Excepted by TX Attorney General letter ruling OR2017-20972

7.03.010

Excepted by TX Attorney General letter ruling OR2017-20972

7.04

ALL-HAZARD DISASTER RESPONSE

7.04.001

POLICY. It is the policy of the LPD to provide effective emergency operations in response to all-hazard disasters. For this policy, “all-hazard disasters” is defined as natural or man-made disasters or unusual occurrences, or threats of such disasters or unusual occurrences, that based on size or scope require extensive or prolonged LPD operations and responses, cause activation of the Emergency Operations Center (EOC) or

trigger the COL's Emergency Management Plan (EMP; the City's guide for operations and management during emergencies and disasters).

The LPD will respond to all-hazard disasters as directed by the Chief. The LPD's highest priority in response is protecting lives and property, in that order. The LPD bases all-hazard disaster responses on best practices, and its general responsibilities include preparedness, warning and response, mitigation, and site security and recovery.

This policy is meant to supplement the COL's EMP, may be used as a stand-alone or in conjunction with other applicable and situation-specific policies, and may be activated or deactivated in whole or in portion by LPD Executive Staff in response to specific situations.

7.04.002 PREPAREDNESS serves to develop and maintain response capabilities in the event that all-hazard disasters occur. It speaks to a state of perpetual readiness to respond and protect lives and property while assisting to mitigate all-hazard disasters. Planning, resource procurement, equipment maintenance and training are among the activities conducted during this phase, which should be done in a continual and on-going manner before all-hazard disasters occur.

Preparedness also includes but is not limited to:

- A. **EXECUTIVE AND COMMAND STAFF** will be generally familiar with the COL's EMP, and will oversee the preparedness of their assignments and subordinates to be able to immediately respond as needed. In addition:
 - 1. The LPD, under direction of the Support Services Bureau Chief, will maintain an adequate Public Warning System in conjunction with Lubbock Fire Rescue (LFR) and the Emergency Management Coordinator (EMC).
 - 2. Assistant Chiefs will conduct and coordinate annual documented reviews of this policy and the COL's EMP, which will include policy review and exercises; and
 - 3. The Chief or designee will be familiar with and annually review homeland security information that is pertinent to the LPD and its jurisdiction, as well as annually review and update the COL's EMP as needed in conjunction with the EMC.
- B. **ALL STAFF** will complete and maintain certification in rank/assignment appropriate National Incident Management System (NIMS) training, which will be coordinated through the Training Division.

7.04.003 **WARNING AND RESPONSE** are those activities that are done just prior to, during or in the immediate aftermath of all-hazard disasters. The LPD's priorities during this phase are to protect lives and property, and to provide emergency assistance as needed. To accomplish this, the LPD staff may use the LPD's Public Warning System or other warning systems at any stage for public notifications and/or officer notifications, activations and information, and will work closely with partner agencies, primarily Lubbock Fire Rescue (LFR) and Emergency Medical Services (EMS), on search and rescue as well as other emergency operations as needed or directed by Executive and Command Staff.

- A. **WARNING.** When required and to supplement the LPD's Public Warning System or other warning systems used by the COL, officers may conduct door-to-door warnings and use their vehicle sirens and public address system as needed during all-hazard disasters. This should be done under direction from Executive or Command Staff, or the EOC.
- B. **ON-DUTY OFFICERS AND SUPERVISORS** will immediately respond as directed to sites of all-hazard disasters and immediately begin search and rescue operations. Populated areas will be targeted first, emphasizing residential areas as well as areas known to be frequented by groups (shopping areas, business districts, etc.)
- C. **COMMAND STAFF** will establish an initial perimeter as soon as feasible and provide necessary command and control. The initial perimeter should house the entire area immediately affected by all-hazard disasters. Outside resources may be activated to assist in perimeter establishment if needed.
- D. **EXECUTIVE STAFF** will report to police headquarters or the EOC if possible, notify and activate necessary Command Staff and supervisors, account for all on and off-duty personnel, activate necessary off-duty officers and provide assignments and instructions. Outside resources may be activated as needed.
- E. **OFF-DUTY OFFICERS** will follow the instructions given when contacted. Regardless of their location, off-duty officers who learn of all-hazard disasters impacting the City of Lubbock that they should reasonably believe would cause officer activation should contact their immediate supervisor, any LPD supervisor or Communications (in that order) as quickly as possible to account for themselves and inquire on activation. If unable to make contact within a reasonable time, they should report to either police headquarters or the nearest functional fire station, whichever is closest, for assignments and instructions as soon as feasible.

7.04.004 **MITIGATION** are duties secondary to, but done either in conjunction with or immediately after, warning and response efforts. Officers should coordinate all evacuation and mitigation efforts with Command Staff, the EOC and partner agencies as needed.

A. **SHELTER-IN-PLACE.** In certain all-hazard disasters, advising the public to shelter-in-place may be the safest action. Notifications advising of shelter-in-place recommendations should be done in conjunction with directives from Executive or Command Staff, or the EOC.

B. **EVACUATIONS.** Voluntary evacuations may be necessary during all-hazard disasters. Officers should begin voluntary evacuations of areas immediately affected by all-hazard disasters, or areas within the initial perimeter, as soon as feasible and in conjunction with directives from Executive or Command Staff, or the EOC.

Mandatory evacuations will only be done under declaration or order by the Mayor of Lubbock and in accordance with the COL's EMP, or when officers believe lives are in immediate danger and there is no time to procure such a declaration.

C. **ADDITIONAL MITIGATION EFFORTS** are actions needed to reduce the impact of all-hazard disasters and should be done in coordination with Executive and Command Staff, the EOC and partner agencies. They should include, but are not limited to:

1. Establishing and securing a final perimeter;
2. Conducting relocation and reunification efforts outside the final perimeter;
3. Delivering goods and services as needed; and
4. Assisting with victim recovery or identification as needed.

7.04.005 **SITE SECURITY AND RECOVERY** speaks to both short-term and long-term processes.

A. **SHORT-TERM PROCESSES** seek to restore vital services to areas within the final perimeter and to provide for the basic needs of the public therein, while also serving the greater community needs. They should be undertaken as soon as feasible after establishing a final perimeter. Officers' primary duties during this phase should include, but are not limited to:

1. Continuing security and monitoring of the final perimeter;

2. Preventing access inside the final perimeter to unauthorized persons and vehicles as determined by Executive and Command Staff, or the EOC;
 3. Providing visible security, and a sense of safety and normalcy, to persons within the final perimeter. Commanders will exclusively assign officers in Class B or C Uniforms and in marked LPD vehicles to saturate and actively patrol inside the final perimeter and provide all law enforcement services as needed, emphasizing protecting lives and property, for the duration of a secured final perimeter;
 4. Assisting with protection and escort of COL and visiting dignitaries;
 5. Providing security of relocation and reunification areas outside the final perimeter as needed; and
 6. Guarding and distributing assets and provisions as needed.
- B. **LONG-TERM PROCESSES** focus on returning the community as a whole to a state of normalcy or an improved state of affairs. Executive and Command Staff, in conjunction with the EMC, will conduct a thorough review of all-hazard disasters and document a formal After Action Report, to include necessary proposals to attain such states for the benefit of the community.

7.05 RAPID RESPONSE SITUATIONS

- 7.05.001 POLICY.** The LPD, along with Lubbock Fire Rescue (LFR), recognizes the duty to protect citizens by promptly responding to stop suspects who are actively causing death or serious bodily injury.

Excepted by TX Attorney General letter ruling OR2017-20972

- 7.05.002** ***Excepted by TX Attorney General letter ruling OR2017-20972***

Excepted by TX Attorney General letter ruling OR2017-20972

7.05.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.05.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.05.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.05.006 ***Excepted by TX Attorney General letter ruling OR2017-20972***

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7.05.013 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.05.014 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.05.015 ***Excepted by TX Attorney General letter ruling OR2017-20972***

7.06 RISK ASSESSMENT

7.06.001 **PURPOSE:** To provide commanders with guidelines to determine the risks involved in, and the appropriate personnel to respond to, barricaded subject situations and higher-risk warrant service.

7.06.002 **POLICY.** Commanders will use the LPD Risk Assessment Checklist when determining the need for SWAT or other specialized resources.

7.06.003 **RISK ASSESSMENT PROTOCOL.** When risk assessment indicates the need for SWAT or other specialized resources, commanders will notify the SWAT Commander and/or other appropriate staff immediately to provide as much planning time as possible.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 8

8.00 PATROL PROCEDURES

8.01 BODY WORN CAMERAS (BWCs)

8.01.001 PURPOSE: To provide guidelines on when and how to use BWCs so that officers may reliably record their contacts with the public in accordance with state law.

8.01.002 POLICY. BWCs are valuable tools for prosecuting traffic and other offenses, evaluating officer performance, training and reconciling allegations of officer misconduct. The LPD uses BWCs to help officers better document actions, conditions and statements during events to which they respond. The LPD also uses BWCs to better review arrests and citizen interactions for training and complaint investigation.

Officers will activate issued BWCs when such use is appropriate to the proper performance of official duties, where the recordings are consistent with this policy and law. They will use BWCs issued to them and in accordance with this policy and their training. This policy does not govern the use of surreptitious recording devices used in undercover operations.

8.01.003 DEFINITIONS. The following definitions are from Subsection 1701.651 of the Texas Occupations Code:

A. **BODY WORN CAMERA (BWC)** means a recording device that is:

1. Capable of recording, or transmitting to be recorded remotely, video or audio; and
2. Worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

For the purposes of this policy, BWCs include component in-car camera systems as well as earlier model Mobile Video Recorders (MVRs) and audio recorders worn by motorcycle officers. All policies relevant to BWCs are equally applicable to MVRs and audio recorders.

B. **PRIVATE SPACE** means a location in which a person has a reasonable expectation of privacy, including a person's home.

8.01.004 BWC OPERATION. BWCs automatically activate with a patrol vehicle's emergency lights and siren. Officers may also manually activate their BWC separately from their emergency lights and siren. An officer may manually stop their BWC recording during non-confrontational events like protecting motor vehicle accident scenes.

- A. Officers will document the reason for any manual stop of their BWC in police reports or on call sheets if no report is made.
- B. Officers equipped with a BWC will use it to record all law enforcement calls or activities, including but not limited to:
 - 1. Traffic stops;
 - 2. Disturbances, crimes in progress or investigations;
 - 3. Emergency responses and pursuits;
 - 4. Suspects during interviews, sobriety checks or when in custody;
 - 5. Collecting or documenting evidence; or
 - 6. When they reasonably believe a recording might be useful.
- C. Officers will document BWC use or non-use when they write reports.
- D. Officers should notify their supervisor when a video is useful for training.
- E. Officers will make the best recordings possible by:
 - 1. Positioning BWC and other cameras to capture as much of the event as possible;
 - 2. Not stopping their BWCs until the event is over; and
 - 3. Making sure their BWC and related equipment is on and not interfering with other officers' equipment, if applicable.
- F. Officers will ensure they have adequate recording media, enough batteries and/or that their equipment is fully charged before their watch.

8.01.005 RECORDING CONTROL AND MANAGEMENT is as follows:

- A. Staff will follow LPD procedures for chain-of-custody and evidence protection as appropriate for recording media.

- B. Digital video and audio recordings are stored on computer servers, and the City's Information Technology Department is responsible for that storage as well as its backup, maintenance and security.
- C. Staff may only remove recording media from recorders, listen to, view or copy recordings for official LPD business.
- D. Recordings uploaded to the server and not marked as evidence will be purged after 180 days.
- E. Recordings marked as evidence will be kept on the server until the case has a final disposition.
- F. Officers will not delete or alter recordings.
- G. Officers will only use LPD issued recording media.
- H. Officers will properly mark recordings as evidence, as appropriate, and ensure they are properly categorized with applicable case numbers and sequence numbers.
- I. Officers will upload recordings of arrests, pursuits or major crimes before the end of their watch and all other recordings prior to scheduled leave or days off.

8.01.006 RESTRICTIONS ON USE. BWCs shall be used only in conjunction with official law enforcement duties.

8.01.007 OFFICER REVIEW. Officers are entitled to access and review any recording of an incident involving them before being required to make a statement or report of the incident.

8.01.008 MAINTENANCE. Officers will:

- A. Maintain BWCs according to manufacturer's recommendations;
- B. Check equipment for proper operation before their watch; and
- C. Report any malfunctions to their immediate supervisor and have repairs made as soon as possible.

8.01.009 SUPERVISOR RESPONSIBILITIES. Supervisors will:

- A. Confirm that their subordinate officers follow procedures for BWC use, maintenance and documentation;

- B. At least bimonthly, randomly review recordings to assess officer performance, ensure proper equipment use and identify potential training material, documenting such review on vehicle inspection reports;
- C. Confirm that damaged or inoperable equipment is repaired; and
- D. Maintain documentation of malfunctions, damages and repairs.

8.01.010 PERSONALLY OWNED BWCs (or other types of personal recorders) will not be used by on-duty officers. This includes the use of personal electronic devices, such as mobile phones, to record law enforcement activities.

8.01.011 RELEASE OF RECORDINGS from BWCs is governed by state law and is a criminal offense if done in violation of the Texas Worn Body Camera Program law.

- A. A recording created with a BWC and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.
- B. A member of the public is required to provide the following information when submitting a written request for information recorded by a BWC:
 - 1. The date and approximate time of the recording;
 - 2. The specific location where the recording occurred; and
 - 3. The name of one or more persons known to be a subject of the recording.
- C. Information recorded by BWCs is not available to the public unless it is information that is or could be used as evidence in a criminal prosecution, and it is then subject to the Texas Public Information law.
- D. Staff will not release any portion of a BWC recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest.
- E. A BWC recording is confidential and excepted from the requirements of the Texas Public Information law if the recording was not required to be

made under the Texas Body Worn Camera Program law or this policy and does not relate to a law enforcement purpose.

- F. Staff may only release copies of BWC recordings to the District Attorney's office or, with commander approval, to other criminal justice agencies. The Public Information Officer or the Administration Division Commander may release BWC recordings in compliance with the Texas Body Worn Camera Program law and the Texas Public Information law after consulting the City Attorney's office. All other purposes must have approval by the Chief or an Assistant Chief.
- G. In exigent circumstances, any commander may release a BWC recording to the media if he or she determines the release furthers a law enforcement purpose.

8.02 DOMESTIC DISTURBANCES

- 8.02.001 PURPOSE:** To provide guidelines for dealing with disturbances between family or household members, and in some cases former members of such relationships, which may include family violence.
- 8.02.002 POLICY.** The LPD response to domestic disturbances include necessary and legal steps to protect those involved, the officers responding and the public peace. Responding officers will determine if a crime has occurred and make arrests when appropriate. They will try to reduce the frequency and seriousness of these incidents by giving advice about available shelter and community services for victims.
- 8.02.003 BACKUP.** Responding officers should not intervene without backup unless they believe someone will be seriously injured without immediate response.
- 8.02.004 THIRD PARTY CALLS.** Responding officers should not tell disputants a third party called. They will not identify a reporting party. If a breach of the peace has occurred, officers should tell reporting parties they may file charges.
- 8.02.005 ENTRY INTO RESIDENCES** should follow these guidelines:
 - A. **LOCKED OUT PARTY.** Responding officers will not help them force entry.
 - B. **ONE PARTY REQUEST.** Responding officers may enter if one party asks, even if others object. They may stay until consent is removed per 8.02.005 (D) or they believe no offense will occur when they leave.

- C. **OFFICERS REFUSED ENTRY.** Responding officers will not enter without permission unless they reasonably believe they must immediately enter to prevent imminent bodily injury or give emergency aid.
- D. **CONSENT REMOVED.** Responding officers will leave when all parties voluntarily ask them to, or if one party asks them to and another does not specifically ask them to stay. However, if reasonably necessary, officers shall stay to verify the violation of a protective order or if they have probable cause to believe they are needed to prevent an assault or other offense.

8.02.006 ARRESTS are controlled primarily by the statutory authorities to arrest in the Code of Criminal Procedure (CCP). Officers will follow all requirements in the CCP and LPD policy.

- A. **ASSAULT IN OFFICERS' PRESENCE.** Responding officers **may** arrest when an assault, including threats to cause imminent bodily injury, occurs in their presence. Responding officers **shall** arrest if the assault causes serious bodily injury or involves a deadly weapon.
- B. **ASSAULT PRIOR TO OFFICER ARRIVAL.** Responding officers **may** arrest for an assault occurring before they arrive if they have probable cause to believe the person:
 - 1. Caused bodily injury and will cause more; or
 - 2. Caused bodily injury to a member of his family or household;
- C. **OFFICERS ASSAULTED.** Responding officers **may** arrest when they are assaulted. They **should** arrest when the person causes them bodily injury or substantially interferes with their duties.
- D. **VIOLATION OF PROTECTIVE ORDER.** Responding officers **may** arrest when they have probable cause to believe a person violated a protective order and the offense did not occur in their presence. They **shall** arrest when the offense occurs in their presence. They **may not** arrest for violation of a Temporary *Ex Parte* Protective Order.

Reconciliation or agreements by the parties to an order do not nullify the order or officers' duties to enforce it.

- E. **INTOXICATION.** Responding officers **will not** arrest anyone only for intoxication within a residence.

8.02.007 FAMILY VIOLENCE. Officers who find evidence of family violence offenses will:

- A. Make a detailed report including whether or not victims will assist with prosecution. They should not ask if victims will file charges. If officers make an arrest, they will include in the report their opinion about the possibility of the arrested party further injuring victims unless there is an extended separation.
- B. Check the Texas and National Crime Information Centers (TCIC/NCIC) to determine if the location of the incident or call, or the address of anyone involved in the incident or call, matches the address of a current licensed foster home or a verified agency foster home. Responding officers will include details in their reports.
- C. Complete a Family Violence Form;
- D. Issue a Crime Victim's Bill of Rights manual; and
- E. If appropriate, issue a Texas Crime Victim's Compensation form.

8.02.008 WEAPON SEIZURES. Responding officers may seize weapons present at domestic disturbances if they have probable cause to believe the weapons are evidence in a crime, or they reasonably believe someone may use the weapons in the ongoing dispute. Responding officers will issue a receipt for the weapons and submit them to the Property Room.

8.02.009 COMMUNITY PROPERTY. Responding officers will not decide community property disposition. They will treat property damage as criminal mischief and use appropriate enforcement.

8.02.010 CHILD CUSTODY. If one parent alleges the other is violating a child custody court order, officers should warn both parents of possible civil and criminal action and suggest contacting attorneys. Responding officers may also make a report to document the circumstances.

8.03 DISORDERLY CONDUCT

8.03.001 PURPOSE: To provide guidelines for dealing with disorderly conduct or breaches of the peace and related offenses. This section applies when disorderly conduct is the only offense. It does not apply in riots or when there is probable cause to arrest on a more serious charge.

8.03.002 POLICY. The LPD's main priority is keeping the public peace and preventing disturbances instead of punishing offensive conduct. Officers

will protect First Amendment rights to free speech and will not stop anyone from using this freedom only because someone else disagrees.

8.03.003 BREACHES OF THE PEACE are acts involving violence; those likely to provoke violence; and those that disturb or threaten to disturb the peace, including loud music. The Texas Penal Code prohibits “fighting words” or gestures identified by the courts as those plainly tending to incite an average person to violence.

8.03.004 RESPONSE. Officers will be impartial. They should also be firm but tactful and polite, trying to reduce tension. Officers should consider the situation, purpose and urgency when deciding on response. They may issue citations for Class C misdemeanors and will document offenses in appropriate reports.

Officers should use the least intrusive response appropriate but are never required to use levels of response that would unreasonably endanger the public or officers. Officers may arrest when necessary.

8.03.005 REPORTING. Officers will fully document in Crime Reports:

- A. The suspect’s exact words, if any;
- B. The volume of the suspect’s voice or noise produced, if any;
- C. The suspect’s gestures, especially those showing the suspect might use violence;
- D. Anyone toward whom the suspect directed these actions;
- E. The location of the offense, including witnesses or victims;
- F. Any responses by witnesses or victims, especially those showing they might use or respond with violence.

8.04 MENTALLY ILL PERSONS

8.04.001 PURPOSE: To set guidelines for dealing with mentally ill persons.

8.04.002 POLICY. The LPD will intervene in emergency or breach of the peace situations involving mentally ill persons; take lawful action to protect everyone involved; stabilize situations; and help get proper medical or psychological attention for the mentally ill person.

8.04.003 INITIAL CONTACT officers should:

- A. Learn about the person and situation by talking with the person and others who may have information;
- B. Remain calm, objective and non-threatening to help calm the person;
- C. Not deceive the person, which may worsen the situation;
- D. Request that available Mental Health Peace Officers and/or officers trained to specifically engage with mentally ill persons be dispatched to the scene if necessary; and
- E. Never leave the person alone until convinced the threat of harm has been resolved.

8.04.004 **ARREST.** Insanity is only an *affirmative defense* to prosecution. Officers should arrest when they have probable cause to believe a mentally ill person has committed a serious or violent crime, or when they have probable cause to believe a mentally ill person has committed any crime and arrest is the best course of action given the totality of the situation and in the best interest of the mentally ill person. Arrests will be made in accordance with all other LPD policies.

8.04.005 **OTHER OPTIONS.** Officers finding mentally ill persons who need or want help should:

- A. Find responsible friends or relatives to care for the person and tell them how to get a commitment warrant;
- B. If asked, tell the person about voluntary hospitalization;
- C. Contact STARCARE to determine if the person is a client;
- D. Ask STARCARE for help getting a commitment warrant or to assess the need for Emergency Detention; or
- E. When necessary, make an Emergency Detention.

8.04.006 **EMERGENCY DETENTION.** An officer may take a person into custody without a warrant if they reasonably believe the person is mentally ill, poses a substantial risk of serious harm to himself or others unless immediately restrained and there is not sufficient time to get a warrant.

They may base that belief on:

- A. The report of a credible person;

- B. The conduct of the apprehended person; or
- C. The circumstances in which the apprehended person is found.

An officer making an Emergency Detention will have detained persons immediately taken to the designated emergency mental health facility and complete an Application for Emergency Detention. The most recent emergency detention procedures memorandum prepared by the Field Services Bureau Chief for current protocol on emergency mental health facilities, assessments and transportation will be followed when officers make an Emergency Detention.

The detained person must be informed orally by the officer in simple, non-technical terms of the reason for the detention and that a staff member of the accepting facility will inform the person of the person's rights within 24 hours after the time the person is admitted to a facility.

8.04.007 ABSENT PATIENTS. Officers finding persons believed to be absent from mental health facilities should notify the facility to send someone for the person.

8.04.008 RETURN UNDER COURT ORDER. The administrator of a mental facility, including the State Supported Living Center, may ask a magistrate to order the return of an absent patient. The court order may direct any peace officer in the state to take the patient into custody and return the patient to the facility.

- A. Officers who have detained an absent patient and are notified of such an order will take the patient into custody and should request Emergency Medical Services to take the patient to a local facility.
- B. Although officers may take a patient into custody without a copy of the court order, staff first notified of an order will ask the notifying agency to provide a copy to the LPD. An officer serving such an order will file the order in Records as a trailing document.
- C. Staff who are asked to notify other law enforcement agencies about court orders for the return of patients absent from local mental health facilities will:
 - 1. Ask the notifying agency to provide a copy of the order to the LPD;
 - 2. File the order in Records as a trailing document to their Incident Report; and

3. In any teletypes to other law enforcement agencies, refer to Health and Safety Code Sections 593.012 and 574.083 authorizing the patient's detention and note the LPD has a copy of the order.

8.04.009 DETENTION IN A NON-MEDICAL FACILITY. In extreme circumstances when a local facility is unavailable to take custody of mentally ill persons, officers should ask the Sheriff's Office to hold the person separated from prisoners. Officers will notify STARCARE and the Lubbock County Judge.

8.04.010 REPORTING STATE SUPPORTED LIVING CENTER RESIDENTS AS VICTIMS. When these residents are victims of reported crime, staff will identify them only in Supplement Reports.

8.05 MISSING PERSONS

8.05.001 PURPOSE: To provide guidelines for investigating missing persons.

8.05.002 POLICY. Many reported missing persons leave voluntarily and runaway juveniles tend to repeat. Others, such as young children, elderly and the mentally or physically impaired, disappear in situations indicating they are At-Risk. Staff will carefully consider all missing person reports to identify those who may be At-Risk. There is no specific time limit to meet before declaring a person missing.

8.05.003 REPORT REQUIRED. Officers will make a Crime or Incident Report as appropriate when they have enough information to reasonably believe a juvenile has runaway or a child or adult is missing. Officers will document in such reports all information reported to them regarding the runaway or missing person. Officers will also complete an NCIC Missing Person Report form as necessary to file in Records as a trailing document.

Staff will complete Supplement Reports under the original case number when runaways or missing persons return or are found.

8.05.004 INITIAL CALL TAKING. Staff taking missing person calls will gather enough information to determine if the person is At-Risk. That includes age; time, date and place last seen; anyone with whom the person was last seen; physical and mental condition; circumstances of the disappearance; the relationship between the reporting party and missing person; and why the reporting party, family and/or other involved persons are concerned. Staff will also get a detailed physical description of the missing person, anyone with whom they were last seen and any vehicle associated with either person.

8.05.005 AT-RISK MISSING PERSONS. Communications will assign these calls a higher priority and will immediately dispatch an officer to them.

Responding officers who cannot find an At-Risk missing person within a reasonable time will notify a supervisor who will determine the need to call for more officers and the Watch Commander. The Watch Commander will control the operation and use the resources needed to find the person. If needed, the on-coming watch will continue the search. The Watch Commander will notify the Chief when an At-Risk missing person has not been found within a reasonable time frame.

The LPD will not stop the search for an At-Risk missing person until they find the person or until directed by the Chief.

8.05.006 MISSING ELDERLY. If the missing person is 65 years old or older and the Watch Commander believes there is a need for a Silver Alert, he or she will contact the Person Crimes Unit Commander or designee who will determine if Silver Alert criteria have been met. If so, the Public Information Officer (PIO) will immediately provide descriptive information and an LPD contact phone number to media members and ask them to publicize it quickly.

8.05.007 ***Excepted by TX Attorney General letter ruling OR2017-20972***

Responding officers will get a recent photo of the child and all available suspect physical and/or vehicle descriptions for the PIO. The PIO will immediately give this information and an LPD contact phone number to media members and ask them to publicize it quickly.

Excepted by TX Attorney General letter ruling OR2017-20972

8.05.008 RUNAWAY ADULTS. Staff taking reports on these runaways will complete an Incident Report and an NCIC Missing Person Report form and write "Runaway Adult" on the top of the form.

Officers who locate runaway adults must take them into custody and release them only to a parent, legal guardian or Child Protective Service employee. This custody is not an arrest but is protective custody and officers will not place these persons in the Lubbock County Juvenile Justice Center (LCJJC) or any other secure facility.

Officers taking these persons into custody will write a Supplement Report to the original Incident Report including the circumstances of the custody, who the person was released to and which dispatcher was notified to remove the person from TCIC/NCIC.

8.06 MAJOR CRIME SCENES/FIRST RESPONSE

8.06.001 PURPOSE: To provide guidelines for officers responding to major crime scenes.

8.06.002 POLICY. The first response to major crime scenes often determines the success of the following investigation. Officers responding to major crime scenes will carefully protect the scene and conduct initial investigations that help follow-up investigators.

8.06.003 MAJOR CRIMES are homicides, aggravated assaults, sexual assaults, business robberies, kidnappings, any crimes resulting in life-threatening injuries and/or others that a Watch Commander believes require immediate response by Investigation Services Bureau personnel.

8.06.004 FIRST OFFICER RESPONSIBILITIES include:

- A. Check for victims and their condition and call for Emergency Medical Services (EMS);
- B. Identify witnesses and ask them to stay at the scene;
- C. Arrest or detain suspects if possible;
- D. Notify Communications of all fleeing suspect information;
- E. Notify a supervisor;
- F. Protect the crime scene and assign backup officers to help protect the scene, including one to control access; and
- G. Complete the initial Crime Report, including elements of the crime, but recording detailed information and evidence in Supplement Reports.

8.06.005 SUPERVISORS will assume control of the scene, assign officers as needed and notify the Watch Commander. Any commander may authorize calling out personnel from other Divisions.

Investigation Services Bureau supervisors on the scene will assign their personnel and decide when to notify District Attorney and Medical Examiner personnel.

8.06.006 CRIME SCENE ACCESS. Only personnel necessary for investigating and processing crime scenes will enter scenes. The officer controlling access will only allow authorized persons to enter. This officer will record in a Supplement Report who enters and leaves along with the date and time.

8.06.007 PROTECTING EVIDENCE. First responding officers and supervisors will ensure no evidence, including bodies, is disturbed unless items endanger officers. When feasible, they will avoid touching or moving items, walking in or otherwise altering or contaminating the crime scene.

8.07 LPD VICTIM SERVICES CRISIS TEAM

8.07.001 PURPOSE: To give information about and set guidelines for using the LPD Victim Services Crisis Team.

8.07.002 POLICY. The LPD recognizes the need to provide help beyond that available from officers for victims and witnesses of crime and trauma, their families and the mentally ill. The LPD provides this help through the volunteers of the Crisis Team.

8.07.003 TYPES OF INCIDENTS. Responding officers may call the Crisis Team to respond to:

- A. Major crimes as defined in 8.06.003;
- B. Any death;
- C. Child or elder abuse or neglect;
- D. Family violence;
- E. Mentally ill persons, including attempted suicides; or
- F. Other situations, such as fatal traffic collisions, officers believe would benefit from Crisis Team response.

8.07.004 ON-SCENE PROCEDURES are as follow:

- A. Team members will notify the ranking officer when they arrive on scene for a briefing.

- B. Team members will wait for officers to complete their contact and release persons to Team members.
- C. Officers will leave Team members on-scene only when any suspect is in custody and all agree the scene is safe.
- D. If the scene is not safe and officers must return to service, they may have Team members take victims or witnesses to a safe place for their intervention.
- E. Officers will ask Team members to take children only to:
 - 1. The LPD to meet CPS workers, LPD investigators or relatives given custody;
 - 2. An Emergency Children's Shelter;
 - 3. Child Protective Services; or
 - 4. A relative or someone chosen by the child's custodian.
- F. Officers will not ask Team members to take over officers' duties under 5.04 CCP in family violence situations.
- G. The ranking LPD officer at the scene is in charge. Any problems or conflicts between officers and Crisis Team members should be reported to the LPD Crisis Team Sergeant.

8.08 CIVIL DISTURBANCES

- 8.08.001 PURPOSE:** To provide guidelines for dealing with groups engaged in or threatening violence, property damage or breaches of the peace. This includes groups using passive resistance and refusing to vacate areas.
- 8.08.002 POLICY.** LPD response to disturbances will be appropriate to the level of disturbance. It will be rapid, organized and disciplined, and focused on removing any incentive or encouragement for groups to continue.

Excepted by TX Attorney General letter ruling OR2017-20972

8.08.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.08.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.08.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.08.006 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.08.007 ***Excepted by TX Attorney General letter ruling OR2017-20972***

A. ***Excepted by TX Attorney General letter ruling OR2017-20972***

B. ***Excepted by TX Attorney General letter ruling OR2017-20972***

C. ***Excepted by TX Attorney General letter ruling OR2017-20972***

1. ***Excepted by TX Attorney General letter ruling OR2017-20972***

2. ***Excepted by TX Attorney General letter ruling OR2017-20972***

3. ***Excepted by TX Attorney General letter ruling OR2017-20972***

4. ***Excepted by TX Attorney General letter ruling OR2017-20972***

5. **ARREST** as the MFF leader directs. The MFF sergeant assigned as the MFF leader's executive officer will note the details for reports on each arrest. The Executive Officer will identify each arrestee as A-1, A-2, etc., and will notify the arresting officers of their prisoner's designation.

D. **ARRESTEES.** Arresting officers will take arrestees to the transport van. Crime Scene Officers will photograph each arrestee with their arresting officer. Each photo will identify the arrestee by their designation (A-1, A-2, etc.), name, DOB, time of arrest, charge, and arresting officer. Arresting officers will attach that information to the arrestee to ensure proper booking.

8.09 BURGLARY ALARM RESPONSE

8.09.001 PURPOSE: To provide more effective and efficient use of Field Services staffing by reducing time spent responding to recurring false burglary alarms. Responding to nuisance burglary alarms interferes with response to legitimate calls for service.

8.09.002 POLICY. The LPD follows City Ordinance 2001-00087 regarding false alarms.

Excepted by TX Attorney General letter ruling OR2017-20972

8.09.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.09.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

Excepted by TX Attorney General letter ruling OR2017-20972

8.09.005 CALLSHEET INFORMATION. Alarm users are not penalized under the ordinance for alarms caused by several events identified in the ordinance. The initial responding officer on alarm calls will mark the call sheet with the appropriate designation on the call disposition.

8.10 ROBBERY/PANIC/DURESS ALARM RESPONSE

8.10.001 PURPOSE: To provide guidelines which protect the public and officers during LPD response to these alarms.

8.10.002 POLICY. Although the majority of these alarms are false, legitimate alarms are particularly dangerous for customers, the general public and responding officers. The LPD will respond to these alarms in a way that reduces the danger as much as possible.

8.10.003 *Excepted by TX Attorney General letter ruling OR2017-20972*****

8.10.004 *Excepted by TX Attorney General letter ruling OR2017-20972*****

8.11 SUSPECTED BIOHAZARDOUS MATERIAL

8.11.001 PURPOSE: To provide guidelines for processing material that appears to contain biohazardous substances.

8.11.002 POLICY. The LPD recognizes the potential for serious harm to citizens and officers from materials that contain biohazardous substances. The LPD will work with other agencies and COL departments to minimize this potential while preserving suspicious items as evidence, cleaning the scene and disposing of waste items in a safe manner.

8.11.003 CALL-TAKERS should ask reporting parties the following questions and relay the information to responding officers and Lubbock Fire Rescue's Hazardous-Materials (Haz-Mat) Team:

- A. Why do you suspect the item is hazardous?
- B. Where did the item come from?
- C. When did you receive the item and how?
- D. What size is it?
- E. Who else touched the item, your hands, or clothing, and where are those persons now?
- F. Has anything fallen from the item, or has anyone removed anything from it?
- G. What surfaces or other things have been exposed to the item?
- H. Has any person or animal shown signs of illness?
- I. What other official or agency has anyone reported this to?

8.11.004 INFORMATION FOR REPORTING PARTIES. Call takers should tell reporting parties:

- A. Not to open, shake or empty the item;
- B. Not to smell or taste the item or contents;
- C. Not to let others enter the area or inspect the item;
- D. Not to let anyone who has been around the item leave the immediate area;

- E. To have someone turn off any fans and/or the ventilation system; and
- F. To remain calm and wait for Public Health responders to give further advice.

8.11.005 FIRST RESPONDING OFFICERS will:

- A. Confirm that Communications has notified the Haz-Mat Team to respond, set a perimeter and stand by for their arrival at the scene.
- B. Request a supervisor to respond to the scene.
- C. Tell uncontaminated persons to stay outside the potentially contaminated area.
- D. Wear protective gear, including facemasks, eye shields and latex gloves when entering potentially contaminated areas to meet reporting parties.
- E. Confirm there is a package the reporting party believes is suspicious;
- F. Once inside a potentially contaminated area, remain there until the Haz-Mat Team instructs otherwise.
- G. Document actions and investigation in appropriate reports.

8.12 SUSPECTED CLANDESTINE DRUG LABORATORIES

8.12.001 PURPOSE: To provide guidelines for securing and safely managing the scene of a suspected Clandestine Laboratory (Clan Lab) where illegal drugs are manufactured.

8.12.002 POLICY. The LPD recognizes the potential for serious harm to citizens and officers, including the possibility of an explosion, from materials and hazardous chemicals often found at Clan Lab sites. Additionally, oxygen levels at such sites may be so low that the atmosphere could be immediately dangerous to human life. The LPD will work with other agencies and COL departments to minimize the dangers of these sites while preserving evidence, cleaning the scene and disposing of waste items in a safe manner.

8.12.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.12.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

8.12.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 9

9.00 TRAFFIC

9.01 TRAFFIC ENFORCEMENT

9.01.001 PURPOSE: To provide guidelines for traffic law enforcement by LPD officers.

9.01.002 POLICY. LPD officers will uniformly enforce traffic laws based only on the seriousness of the offense and conditions present. They will not base enforcement decisions on a violator's status.

9.01.003 ENFORCEMENT IS AN EXPECTATION. Regular and consistent traffic enforcement is an expectation of every on-duty patrol officer, as well as every officer operating marked LPD vehicles. Officers in unmarked LPD vehicles appropriately equipped to make stops safely are also expected to enforce traffic laws when serious violations of them occur in their presence.

9.02 CRASH INVESTIGATION

9.02.001 PURPOSE: To provide guidelines for investigating motor vehicle crashes at the field level and for when to call out more expert personnel.

9.02.002 POLICY. The LPD must allocate its scarce resources efficiently; therefore, it will provide motor vehicle crash investigation services commensurate with the severity of crashes occurring across its jurisdiction while balancing the need for officers to provide for the public peace and ensuring proper reporting requirements are met. If there is any uncertainty as to a crash's status, officers will be dispatched to investigate.

9.02.003 NON-REPORTABLE CRASHES are motor vehicle crashes that satisfy all of the following:

- A. All involved persons have no claimed or visible injuries;
- B. All involved drivers are cordial and cooperative, and there is otherwise no form of unrest nor disturbance between any persons on the scene;
- C. All involved drivers have driver's licenses and proof of financial responsibility;

- D. All involved persons have remained on the scene, and none have attempted to flee the scene;
- E. All involved vehicles are driveable and have only minor damage (combined less than \$1,000 estimated);
- F. All owners of damaged property have been located and are cordial and cooperative;
- G. All involved drivers are believed not to be intoxicated; and
- H. No government persons or property have been involved nor damaged.

9.02.004 **REPORTABLE CRASHES** are motor vehicle crashes that satisfy any of the following:

- A. Crashes that do not meet all elements of Non-Reportable Crashes;
- B. A crash has resulted in substantial vehicle or property damage (at least \$1,000 estimated);
- C. Any involved drivers are believed to be intoxicated or in any way impaired;
- D. Owners of damaged property cannot be located; or
- E. A hit-and-run crash has occurred, or any involved person has attempted to flee the scene.

9.02.005 **COMMUNICATIONS PERSONNEL DUTIES.** Communications personnel shall immediately dispatch officers to motor vehicle crashes with any form of reported injuries.

They shall also dispatch officers when:

- A. Motor vehicle crashes are Reportable Crashes, or otherwise do not meet all elements of Non-Reportable Crashes;
- B. A hit-and-run has occurred, or any involved person is attempting, or has attempted, to flee the scene;
- C. The elements change from Non-Reportable Crashes to Reportable Crashes; or
- D. Callers indicate crashes may meet the elements of Reportable Crashes or may be more serious than originally reported.

Communications personnel should assist involved drivers with self-reporting only after ensuring crashes meet all elements of Non-Reportable Crashes. They should advise involved drivers to clear the roadway, enter involved vehicle registrations on the call sheet and politely assist them with self-reporting by either referring them to the LPD's online reporting system or the Police Desk for help in self-reporting or obtaining Texas Driver's Crash Reports (CR-2 or "Blue Forms"). They will remain on the call as necessary to ensure compliance with this Chapter.

- 9.02.006 OFFICER DUTIES.** Officers will complete a Texas Peace Officer's Crash Report (CR-3 form) for Reportable Crashes according to the CR-3 instructions. They will also make a Crime Report for hit-and-run crashes and for any other crime that has occurred.

Officers dispatched to or assisting with Non-Reportable Crashes may either complete a CR-3, may issue "Blue Forms" or may assist involved drivers with self-reporting via the LPD's online reporting system. Regardless of method, officers will ensure the proper exchange of information between involved drivers according to state law, advise drivers of their responsibility under state law, inform drivers that the LPD is not conducting a formal investigation and enter involved vehicle registrations on the call sheet.

- 9.02.007 CRASHES NOT IMMEDIATELY REPORTED.** When both parties involved in a crash initially agree not to report the crash and one party later requests a report, officers will issue Blue Forms. When it is plainly apparent that one party has provided false information or intentionally failed to provide adequate information, officers will complete an appropriate Crime Report.

- 9.02.008 HAZARDOUS MATERIALS.** Responding officers should have Lubbock Fire Rescue (LFR) respond to any crash involving vehicles displaying hazardous materials placards. If a leak has resulted or appears probable, officers will cautiously approach from upwind and:

- A. Have LFR notified, identifying the material by placard number;
- B. Set a perimeter and evacuate people inside without entering the immediate hazard area; and
- C. Postpone further investigation until LFR has approved entry into the scene.

- 9.02.009 FATALITIES.** On-scene supervisors will request that the Major Crash Investigation Unit respond for motor vehicle crashes where a fatality has resulted or appears probable. Major Crash investigators will conduct the crash investigation and complete required documents. The assigned patrol

officer will conduct any associated criminal investigation not related to the crash itself and complete required documents.

A Major Crash investigator will submit a summary regarding a fatal crash to the Field Services Bureau Assistant Chief as soon as feasible.

9.02.010 BLOOD TESTING. Blood specimens may be taken by consent or with a warrant from suspected intoxicated drivers involved in crashes resulting in serious bodily injury or death in accordance with these guidelines:

- A. An on-scene or Major Crash supervisor will determine if:
 - 1. A fatality or serious bodily injury has resulted or appears probable;
 - 2. There is probable cause to believe an involved driver is intoxicated;
 - 3. There is probable cause to believe the intoxicated driver contributed to the crash because of intoxication; and
 - 4. Investigating officers have asked the intoxicated driver to voluntarily give a breath or blood sample.
- B. If the driver gives a voluntary sample, officers will complete applicable DWI documentation and give required copies to the driver.
- C. If the on-scene or Major Crash supervisor determines "A1 – A4" above exist, the driver refuses to give a voluntary sample and is uninjured, officers will:
 - 1. Obtain a mandatory blood sample search warrant from a magistrate;
 - 2. Take the driver to University Medical Center and sign any hospital-related forms (the driver may not choose hospitals);
 - 3. Complete required DPS forms and distribute necessary copies to a hospital staff member in charge;
 - 4. Furnish a DPS approved blood tube;
 - 5. Restrain the driver while hospital staff draws blood (if they refuse to draw blood, note that and identify them and any witnesses in a Supplement Report); and
 - 6. Complete the blood tube label and submission form, keep the tube cool and dry and submit it to the DPS lab no later than the next business day.

D. Investigating officers will not forcibly take blood samples if:

1. The hospital has taken a sample for blood alcohol and used a betadine swab. (Tell the staff their test results will be subpoenaed so they can keep the chain of custody);
2. The suspect has gone to surgery before officers arrive. (Use the procedure in D1 above); or
3. The attending physician advises against physically restraining the driver because of injuries.

9.03 CITATIONS AND WRITTEN WARNINGS

9.03.001 PURPOSE: To provide guidance for officers when issuing citations or written warnings on traffic stops and when investigating motor vehicle crashes.

9.03.002 POLICY. A large part of the LPD mission is to prevent deaths, injuries and property damage resulting from motor vehicle crashes. The LPD's goal is to gain drivers' voluntary compliance with all traffic laws and ordinances through cooperative efforts, including traffic law enforcement. Issuing traffic citations and written warnings to traffic law violators are a proven means to that end.

9.03.003 VIOLATOR CONTACT. Officers will be polite and not argue with violators. If asked about penalties, they will refer the person to Municipal Court.

9.03.004 INSTANTER CITATIONS require supervisor approval unless there are warrants or other more serious charges on the violator. Detectives and Corporals do not need supervisor approval to instanter citations but may not approve for Patrol Officers to do so. Detectives and Corporals will not subrogate themselves in place of a Patrol Officer requesting supervisory approval to instanter citations for the purpose of circumventing this policy.

A. Citations should be instantered when violators cannot adequately prove their identity or they refuse to sign citations.

B. Traffic citations will not be instantered for:

1. Violations outside the officer's presence;
2. Violations by a juvenile; or

3. Violations for the following in current Texas Criminal and Traffic Law: speeding; open container; or using a portable wireless communication device for electronic message while operating a motor vehicle. If a violator refuses to sign, the officer will simply note that on the citation.

Violators who receive instant citations or who refuse to sign citations (including "B3" above) will be taken immediately to the Municipal Court judge during business hours or the Desk Sergeant after hours.

9.03.005 CITATIONS IN CRASHES. Officers are expected to issue citations after investigating motor vehicle crashes and finding clear violations of traffic laws. Officers will be able to articulate reasons for not doing so.

9.03.006 CITATIONS IN FATAL CRASHES. If a fatality has resulted or appears probable, officers will not issue citations. Major Crash investigators may file appropriate charges after their investigation.

9.03.007 VOIDING CITATIONS requires adequate justification and supervisor approval and signature. Officers will mark the citation "void." If the violator has received a copy, the officer will take the original to the Municipal Court Administrator.

9.03.008 FINANCIAL RESPONSIBILITY CITATIONS. Officers issuing citations for no financial responsibility must first attempt to verify financial responsibility for the vehicle through the state verification program database. Such citations may be issued and such vehicles may be impounded only after an affirmative indication that the officer was unable to verify financial responsibility at the time of the alleged offense.

9.03.009 WRITTEN WARNINGS afford an opportunity to build cooperative relationships between the LPD and citizens with ordinarily good driving habits. Written warnings may be issued for any traffic violation when officers believe a warning will effectively encourage future compliance with traffic laws.

Written warnings are not appropriate for traffic law violations resulting in motor vehicle crashes.

9.04 CRASHES INVOLVING CITY VEHICLES

9.04.001 PURPOSE: To provide guidance on handling and referring motor vehicle crashes involving COL owned and operated vehicles.

9.04.002 **POLICY.** The LPD will investigate all crashes occurring in the city limits involving City vehicles. They will do so fairly and impartially.

9.04.003 **CITY VEHICLES** include those owned by the COL or those leased, rented or operated by COL employees for official business.

9.04.004 **RESPONSE TO CRASHES.** Officers will be dispatched to any crash involving a City vehicle regardless of severity. When a City vehicle collides with another vehicle, collides with a fixed object or is struck by another vehicle, the incident will be considered a reportable crash, and the responding officer will complete a CR-3 but will not issue citations related to causation of the accident. If appropriate, charges may be filed later against responsible parties.

Other types of damage to City vehicles will be considered “equipment damage,” and will be reported on a COL Industrial Equipment Incident Report form by the responsible supervisor.

9.04.005 **RESPONSIBILITIES DURING INVESTIGATIONS.** LPD employees involved in a motor vehicle crash involving a City vehicle will report them to Communications and call for a supervisor. Crashes occurring outside the city limits will be reported to the law enforcement agency with appropriate jurisdiction.

A. **INVOLVED LPD EMPLOYEES** are those driving, or who have parked, City vehicles. They will:

1. Remain at the scene unless it is unreasonable, they are in pursuit or are making an emergency call response, and:
 - a. There is no obvious reason to believe anyone has been seriously injured, and
 - b. They believe the need to continue outweighs the need to remain at the scene according to LPD Vehicle Pursuit and Call Response policy;
2. If not in the city limits, request the agency with appropriate jurisdiction to fully investigate the crash regardless of its severity and obtain copies of that agency’s reports and other pertinent information and submit those to their immediate supervisor for processing;
3. Make no statement about who is at fault to other persons involved;
4. Not assist in the investigation in any way that might prejudice the investigation; and

5. Refer any citizen complaints to the on-scene supervisor.

B. PATROL SUPERVISORS will:

1. Respond to all crashes involving LPD City vehicles and, if the COL Risk Management Coordinator does not respond, to crashes involving other City vehicles;
2. Ensure photographs are taken;
3. Review the CR-3 completed by the initial responding patrol officer for accuracy and approve it either electronically or with their signature or initials; and
4. Forward a copy of the completed and approved CR-3 to the involved employee's supervisor. (On crashes involving other COL vehicles, they will forward a copy of the CR-3 to COL Risk Management.)

C. INVOLVED EMPLOYEES' SUPERVISORS will complete, sign and have the employee sign a COL Motorized Vehicle/Equipment Incident Report and forward it through their chain-of-command. They will have copies of that report sent to the involved employee's chain-of-command, the Logistics and Finance Division Commander, COL Risk Management and the COL Fleet Services Manager within 24 hours.

9.04.006 LPD CITY VEHICLE CRASH REVIEW. Assistant Chiefs will forward copies of CR-3 and COL Motorized Vehicle/Equipment Incident Report forms to the Office of Professional Standards for entry into the Internal Affairs software system. The Chief will determine whether each crash will be reviewed as a formal or informal complaint depending on the circumstances of the crash and the employee's driving and disciplinary history.

9.04.007 CRASHES INVOLVING OTHER GOVERNMENT VEHICLES AND DRIVERS. Officers investigating crashes involving vehicles owned or leased by other government entities and operated by an employee of that entity will follow the procedures of this section (9.04) as applicable.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 10

10.00 RADIO, MOBILE DATA COMPUTER (MDC), AND COMPUTERIZED CRIMINAL HISTORY (CCH) SYSTEMS

10.00.001 PURPOSE: To provide guidelines for using the radio, MDC and CCH systems. "MDC" is a generic term and refers to any mobile data device, computer, or tablet that officers use in the field for law enforcement purposes and connects directly to LPD's communications systems.

10.00.002 POLICY. These systems are integral to LPD operations. The personal safety of officers and citizens, the security of confidential information and the protection against legal liability depends upon the proper use of these systems. LPD staff will use them prudently, professionally and cautiously. They will follow all local, state and federal regulations regarding their use.

The Support Services Bureau Chief is responsible for these systems.

10.01 MONITORING

10.01.001 ON-DUTY MONITORING. All on-duty officers assigned to a patrol watch will monitor their assigned radio channel (unless conducting necessary duties on another channel) and MDC. They will notify Communications when they will be out of radio contact and again when resuming contact.

10.01.002 PATROL SUPERVISORS will monitor MDC and assigned primary and secondary radio channels as much as possible. They will promptly correct improper MDC and radio communications by their subordinate officers, as well as others when necessary.

10.02 RADIO AND MDC ACTIVITY

10.02.001 BREVITY. Dispatchers and officers will keep all radio traffic as brief as possible and should break long broadcasts into a series of shorter ones. They should use appropriate "10-Codes" when possible.

10.02.002 RADIO – CALLING COMMUNICATIONS. Officers calling Communications over the radio will use their designated call signs or other official identifiers. They will not ask dispatchers monitoring Dispatch 1 and 2 radio channels to monitor another channel.

- 10.02.003 IDENTIFIERS.** Dispatchers and officers should only use designated identifiers of LPD staff instead of names, if known. Officers will preface their radio traffic on Dispatch 1 and 2 and TLETS/Secondary radio channels with their designated identifiers. On-duty officers assigned to a patrol watch will use their designated call sign. On-duty officers with individually-assigned identifiers (Investigation and Support Services officers, for example) will use those identifiers. Off-duty officers will use their badge numbers prefaced with the phonetic letter "P."
- 10.02.004 ACKNOWLEDGING BROADCASTS.** Dispatchers and officers will verbally acknowledge all radio traffic designated for them and will ensure the receiving party acknowledges their transmissions. Dispatchers will acknowledge officer status updates and other pertinent transmissions by relaying the time in 24-hour format over the radio. They will NOT state "hours" with the time.
- 10.02.005 UNIT-TO-UNIT TRAFFIC.** Officers will use "Talk" channels for this when appropriate. Supervisors may conduct special operations on "Command" or "Tac" channels.
- 10.02.006 PROHIBITIONS.** Radio and MDC traffic is recorded and the LPD may reveal it for criminal investigations, Internal Affairs investigations, civil law suits or Public Information requests. Dispatchers and officers will not use unprofessional or unnecessary traffic of any kind, including but not limited to:
- A. Profanity;
 - B. Unlawful or malicious interference with other traffic;
 - C. Slang or incorrect English;
 - D. Emotional expressions of humor, anger, sarcasm, etc.; or
 - E. Personal messages (except in emergencies).
- 10.02.007 EMERGENCY RADIO TRAFFIC.** Dispatchers will state "10-33 traffic" to announce emergency radio traffic immediately on the channel which must be cleared of non-emergency radio traffic and will as soon as possible simulcast the emergency over all channels to include the location, nature of the emergency and the channel designated for the emergency radio traffic. Only officers involved with the emergency may transmit over a radio channel cleared for emergency radio traffic. Normal radio traffic will move to a Communications-designated channel. Officers on the scene should cancel emergency radio traffic once the emergency situation is under control. During lengthy emergencies, supervisors should move emergency

radio traffic to a "Command" or "Tac" channel, and Communications will monitor as needed.

- 10.02.008 IN SERVICE.** Officers will promptly designate themselves as in-service by radio or MDC when available for calls at the beginning of their watch and when finishing calls and other activity. They will not unnecessarily delay marking themselves available for calls.
- 10.02.009 INFORMATION REQUESTS.** Officers should not ask dispatchers to make phone calls, conduct records checks or perform other tasks that take them away from their primary duties unless immediately necessary. They will request records checks on their assigned TLETS/Secondary channel unless doing so would interfere with emergency radio traffic.
- 10.02.010 COMPLAINTS.** Complaints regarding conflicts between officers and dispatchers must be sent in writing through appropriate chains-of-command. Dispatchers and officers will not argue over the radio, MDC, phone or in person. They will strive to maintain a cordial, professional working relationship and avoid unnecessary confrontations.
- 10.02.011 MDC VIEWING.** Officers will ensure only authorized persons can view their MDC screen, especially when call sheet and TLETS data is displayed.
- 10.02.012 TEXAS AND NATIONAL CRIME INFORMATION CENTERS (TCIC/NCIC) INFORMATION CHANGES.** Officers requesting entry or removal of persons, vehicles or articles from TCIC/NCIC will identify, by employee number, the dispatcher handling the process. Officers will include this information in the appropriate report rather than on call sheets. Officers may request by phone, radio or MDC.
- 10.02.013 OFF-DUTY NOTIFICATION.** Officers working City Overtime or Outside Employment (except for apartment security) will notify Communications on the appropriate TLETS/Secondary channel of their badge number, location and 10-41/10-42 times. A supervisor may notify Communications for groups of officers.
- 10.03 DISPATCHED CALLS**
 - 10.03.001 INITIAL TRANSMISSION.** Dispatchers will transmit all calls over the radio and will send all other information available at the time by MDC.
 - 10.03.002 ANSWERING.** Officers that are available for calls, on duty and working a patrol watch will answer promptly with their general location when called over the radio by Communications. Dispatchers will notify an officer's supervisor if the officer does not answer after three attempts at radio contact

or does not answer a priority MDC message. The supervisor will immediately investigate and resolve the situation.

10.03.003 ADDITIONAL INFORMATION. The CAD system sends call sheets automatically. Dispatchers will transmit any additional information as soon as possible.

A. If officers are en-route, dispatchers will re-send the call sheet and advise that updated information is available.

B. If officers are on-scene, dispatchers will transmit the information over the radio, then update the call sheet.

C. Dispatchers will announce all officer-safety or immediately-needed information as soon as possible over the radio.

Officers should not ask for more information after being told there is none. Officers may ask their assigned TLETS/Secondary channel to re-contact a complainant when necessary for their investigation.

10.03.004 ACKNOWLEDGING CALLS. Officers will designate themselves as en-route by MDC or radio when acknowledging calls and not already on-scene. They will then proceed to the call without unnecessary delay.

10.03.005 COMPLAINANT CONTACT. Officers will contact complainants unless a dispatcher or the call sheet indicates the complainant does not wish to be contacted. Officers will not ask about representatives for alarm calls immediately after being dispatched and will not ask dispatchers to call inside to have reporting parties step out to meet them except on duress/panic/robbery alarms or when having no other means of making contact.

10.03.006 ON-SCENE. Officers will notify Communications by radio or MDC when arriving at calls or just prior to doing so. Dispatchers will announce over the radio when officers designate themselves via MDC as on-scene at high-priority calls or in-progress crimes.

Officers will not make status changes by MDC messages; they will use the appropriate MDC button to do so.

10.04 OFFICER-INITIATED ACTIVITY

10.04.001 NOTICE. Officers will notify Communications by radio or MDC when they self-initiate activity that takes them out of service. Officers will notify Communications when leaving their assigned Division or Zone for anything

but shift change or a call for service. They will notify Communications upon their return.

10.04.002 MOTOR VEHICLE STOPS. When making motor vehicle stops, officers will notify Communications of their location and the vehicle license plate number, in that order, over the radio or by using the appropriate MDC function if doing so can safely be done. They will notify Communications of motor vehicle stops before approaching the vehicle, or as soon as safely practicable. If the vehicle's license plate is missing or unreadable, officers will provide a brief but adequate description of the vehicle to Communications before they approach, or as soon as safely practicable.

10.04.003 CHECK SUBJECTS STOPS. Officers will notify Communications of their location and a brief description of the subject(s) over the radio when making these stops. They will do so before approaching the subject(s) or as soon as safely practicable upon contact.

10.04.004 WANTS/WARRANTS. Officers finding wants or warrants by MDC must confirm them through their assigned TLETS/Secondary channel. Officers requesting checks over the radio will use their TLETS/Secondary channel. Dispatchers will:

- A. Confirm all warrants with the originating agency or court;
- B. Send a printed copy of all confirmed warrants to the Lubbock County Detention Center; and
- C. Notify the originating agency or court of the warrant's service.

10.04.005 BACKUP. Officers will request backup by radio, not by MDC.

10.05 GENERAL BROADCAST INFORMATION

10.05.001 MAJOR CRIMES AND EMERGENCIES. Officers will announce pertinent information from these calls on their assigned Communications radio channel. Dispatchers will timely simulcast this information on all channels, immediately followed by a broadcast MDC message to all units noting the call sheet's sequence number and other pertinent information.

10.05.002 NON-EMERGENCIES. Officers will relay this information to their assigned TLETS/Secondary channel. Dispatchers will announce this information over the radio and broadcast it on MDCs as necessary.

10.05.003 NOT FOR BROADCAST. Neither officers nor dispatchers will broadcast locations of watches or names of complainants or witnesses over the radio.

10.06 COMPLETING CALLS

10.06.001 CASE NUMBERS. Officers will obtain their own case numbers by MDC whenever possible. When necessary, they may request them on their assigned TLETS/Secondary channel before returning to service. Dispatchers will verbally identify officers to whom they are assigning a case number.

10.06.002 CALL SHEET UPDATES. Primary officers on calls will log additional information and valid disposition codes to the call sheet before returning to service. Dispatchers will close the call sheet with that disposition. Secondary and backup officers will log pertinent information as call sheet updates only.

10.06.003 STOLEN VEHICLE NOTIFICATION. Investigating officers will report the license plate number, vehicle identification number and description of stolen vehicles to their assigned TLETS/Secondary channel. That channel's dispatcher will enter it into TCIC/NCIC without unnecessary delay. Officers will document that dispatcher's employee number in their report indicating that the dispatcher entered the vehicle into TCIC/NCIC as stolen. Dispatchers will also have the stolen vehicle information simulcast across all channels and sent as an MDC broadcast message in a timely manner. Officers and dispatchers will perform these same actions when recovering a stolen vehicle and removing it from TCIC/NCIC.

10.07 COMPUTERIZED CRIMINAL HISTORY (CCH) INFORMATION

10.07.001 CONFIDENTIALITY. CCH information is confidential. Staff must handle requests and dissemination properly. Unauthorized request or receipt of CCH information can lead to criminal prosecution as well as administrative sanctions. Staff will ensure only authorized persons can view or access CCH information.

10.07.002 AUTHORIZED REQUESTORS. Officers or other authorized staff may request CCHs. "Other authorized staff" are those LPD staff essential to the proper operation of the Criminal History Record Information (CHRI) system (Title 28 CFR) and should have the computer privileges needed to access CCH information on their own. Staff without these privileges are usually unauthorized.

Members of other criminal justice agencies may also request CCHs. They should usually be able to directly access CCH information without help from LPD staff. Staff should evaluate the circumstances of such requests before accommodating them, and encourage other criminal justice agencies to perform their own inquiries when feasible.

- 10.07.003 AUTHORIZED INQUIRIES** are for criminal justice investigations only, including background investigations on criminal justice applicants. Staff will only request CCHs for authorized reasons and will include a numerical reference (Case Number, Sequence Number, etc.) in the RFI field for all CCHs except for criminal justice applicant backgrounds. Only staff assigned as background investigators may request CCHs for backgrounds.
- 10.07.004 HONORING REQUESTS.** Staff will only honor requests from authorized requestors for authorized inquiries. They will confirm the authorization of both the requestor and the inquiry. They will immediately report to a supervisor any request they believe is unauthorized, and the supervisor will investigate and resolve the situation.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 11

11.00 CRIMINAL JUSTICE INFORMATION SYSTEM SECURITY

11.00.001 PURPOSE: To establish guidelines for use and security of Criminal Justice Information System (CJIS) information and related department issued equipment.

11.00.002 POLICY. It is the policy of LPD to protect the integrity of the CJIS database and all data and information obtained through equipment used to access CJIS information.

11.01 DEFINITIONS

11.01.001 TEXAS LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (TLETS) TERMINALS include all computers (normally desktops) that have access, via wireless or hardwired network, to TLETS, Texas Crime Information Center (TCIC), National Crime Information Center (NCIC) or any law enforcement database.

11.01.002 MOBILE DATA TERMINALS (MDTs) include all computers that have access, via wireless or hardwired network, to TLETS, TCIC, NCIC or any law enforcement database.

11.01.003 SECURE LOCATION is an area of LPD that is not open to the public and accessible only by authorized personnel. This term also includes official police vehicles that are locked and/or attended by authorized sworn police personnel.

11.01.004 NON-SECURE LOCATION is any location not defined as "secure location" above.

11.02 PROCEDURES applicable to CJIS are as follows:

A. CJIS, TLETS, TCIC and NCIC data shall be accessed ONLY from secure locations, as defined above.

B. Each person authorized to access TLETS Terminal and MDT data shall receive security awareness training within six months of appointment or employment and thereafter at least every two years, in accordance with CJIS policy; this training will be documented.

- C. Personnel with unescorted access to secure areas will have appropriate LPD issued credentials.
- D. When transporting non-law enforcement personnel in police vehicles with MDTs, officers will close the screen of the MDT or position it in a manner that will prevent unauthorized viewing of MDT data. TLETS terminal screens shall be positioned to prevent unauthorized viewing or will be locked when unauthorized personnel are present.
- E. The Terminal Agency Coordinator (TAC) will review and update the LPD CJIS User/Operator List annually, or more often as needed, documenting when such review is performed. Changes in authorized personnel (creating, activating, modifying, disabling and removing accounts) will be immediately reported to the TCIC Training section.
- F. All printouts of CJIS data shall be promptly filed with corresponding police records. Otherwise, such printouts should be promptly shredded. Disposal or destruction will be witnessed or carried out by authorized personnel.
- G. All storage media containing or used for CJIS data that is no longer used shall be secure-formatted using methodology that over-writes all data in three iterations or degaussed prior to disposal or release for reuse by unauthorized personnel; if no longer needed, media will be destroyed. Inoperable electronic media shall be physically destroyed. Sanitation or destruction will be witnessed or carried out by authorized personnel.
- H. The Support Services Bureau shall keep a list of all MDT identification numbers and contacts so that devices can be promptly disabled, should the need arise.
- I. The local CJIS network equipment is located in a physically secure location and is maintained by the City Information Technology (IT) Department.
- J. All law enforcement vehicles containing MDTs shall be securely locked when not in use.
- K. All computers used for processing CJIS data have anti-virus software installed; staff is responsible to ensure they routinely check for and install the latest available updates for the operating system & anti-virus in accordance with City IT Department procedures. MDTs have a personal firewall enabled from the City IT Department.
- L. The LPD employs a Formal Incident Response Plan as described in the General Manual as well as in Communications SOPs. It shall be the

responsibility of each authorized user to report any violations of this security policy up the chain-of-command and/or to proper authorities.

- M. No personal hardware (PC, laptop, etc.) or software shall be allowed on the LPD's TLETS network.
- N. No publicly accessible computers shall be allowed on the LPD's TLETS network.
- O. The LPD authorizes and controls information system-related items entering and exiting all physically secure locations.
- P. The LPD has established a Security Alert and Advisories process, which is maintained by Communications and administered by the TAC.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 12

12.00 MEDIA AND PUBLIC INFORMATION

12.00.001 PURPOSE: To provide guidelines for interacting with and promoting cooperative working relations with media, and to provide guidelines on releases of public information.

12.00.002 POLICY. The LPD will promote transparency with timely information releases while also adhering to investigative and privacy matters. The LPD will cooperate with media to provide factual, public information about LPD activities as long as it does not unduly interfere with LPD operations, infringe upon individual rights or violate the law. For the purposes of this policy, “media” is members of established news outlets, independent or social media journalists or bloggers that conduct regular reporting on events.

12.01 MEDIA ACCESS

12.01.001 MEDIA CREDENTIALS. The Support Services Bureau may issue media credentials for LPD building access only. Such credentials may be granted only after media are properly vetted by an LPD background check (name file and search for warrants). Such check is necessary to ensure secured building access is granted according to Criminal Justice Information System (CJIS) rules. Otherwise, the LPD does not issue press credentials.

12.01.002 ON-SCENE ACCESS. Media may have reasonable access to LPD operations. On-scene supervisors will determine what access is reasonable and should concentrate their access to established press briefing/conference areas. They cannot allow media to enter private property, unsafe areas or actual crime scenes.

Supervisors may verify persons as media before granting them access to incident scenes controlled by the LPD. Non-media members of the public should be treated as any other member of the public and not granted access to non-public LPD operations or areas. Only Lubbock Fire Rescue may grant access to fire scenes.

12.01.003 LPD FACILITIES. Media granted LPD building-access credentials may be in secure common areas of the LPD unescorted during regular business hours. Otherwise, media may be in private office areas by invitation only and when escorted in accordance with CJIS requirements.

On camera interviews and press briefings/conferences conducted at the police department should be held in the Media Room unless another location in the building is more practical. Operational security must be considered.

12.01.004 PHOTOS/VIDEOS. Media may record photos/videos from any area to which they have been given access. Officers should not interfere, but may prohibit lighting when it would hinder an operation.

12.01.005 VICTIM INTERVIEWS. Officers will not keep media from interviewing victims unless the victims are physically or mentally unable to consent, or the interview would hinder an operation.

12.02 PUBLIC INFORMATION

12.02.001 PUBLIC INFORMATION OFFICER (PIO). The PIO is specifically tasked with media and social media relations and releases, and works closely with the Chief and the Support Services Bureau staff in a team fashion. Regardless of assignment, staff will work collaboratively and cooperatively with the PIO as needed to further these policy missions. The PIO reports directly to the Chief of Police.

12.02.002 ON-SCENE STATEMENTS. The PIO or designee should usually make statements at significant incidents. At other incidents, it is the responsibility of the assigned supervisor to release required information to media. This duty may be delegated to another on-scene supervisor. It is that supervisor's discretion whether or not to provide an on-camera interview.

12.02.003 INTERVIEWS GENERALLY. Detectives, Corporals, Patrol Officers and civilian staff must have prior approval from Executive or Command Staff or the PIO to give interviews about LPD operations, activities or policies when those interviews give the impression they are speaking for the LPD. Sergeants are not required to have prior approval before giving interviews. Staff speaking on behalf of the LPD are individually responsible and accountable for their conduct.

12.02.004 AUTHORIZED INFORMATION. The following is considered public information and should be publicly released as soon as feasible about criminal investigations that are of public and news media interest; supervisors and Police Desk personnel may also verbally release such information as needed and/or when requested:

- A. Detailed offense descriptions, including time, date, location and victim identification and description (except as stated in 12.02.005);

- B. Facts about arrests made during a 24-hour period, including arrested identification and description, time, date, location, pursuit, resistance, weapons, charges, transfers or releases;
- C. Names of investigating and arresting officers if relevant and if giving names will not jeopardize undercover investigations; and
- D. A general description of seized evidence unless it is evidence only a suspect would know or if it may be used to corroborate statements or other evidence.

12.02.005 UNAUTHORIZED INFORMATION. Staff will *not* release the following:

- A. Witness identification or description;
- B. Sexual assault victim identification or description;
- C. Possible witness testimony or credibility;
- D. Existence or contents of any statements;
- E. Opinions about suspects or evidence;
- F. Personal history or arrest records;
- G. Names of deceased or seriously injured persons prior to notifying next of kin;
- H. Results of breath, blood, polygraph or ballistic tests; finger print comparisons; photo spreads or line-ups;

EXCEPTION: Results of breath or blood tests of drivers involved in traffic crashes are required on the Texas Peace Officer's Crash Report (CR-3) and are public information *unless* the driver is a juvenile.

- I. Information that violates a person's right to privacy or is confidential according to federal, state or local laws, rules or regulations;
- J. Information known to be false or indicating a reckless disregard for the truth;
- K. Information that impedes officers of any law enforcement agency from performing their duties or creates conflict in the LPD; or

- L. Information or statements about ongoing investigations, incidents or pending enforcement actions unless this chapter or the appropriate Assistant Chief authorizes.

12.03 LBKALERT – PUBLIC NOTIFICATIONS

12.03.001 PURPOSE: LBKAlert is a mass notification system managed jointly by Lubbock's Emergency Operations Center (EOC), LPD and LFR, and its main purpose is to serve as the City's primary Public Warning System. For LPD purposes, the system may be used by authorized personnel to rapidly alert the public of incidents that impact public safety or to enlist the community's help in locating missing persons (whether or not an Amber or Silver Alert is authorized).

12.03.002 POLICY. For LPD purposes, Watch or Division Commanders are primarily tasked with approving LBKAlert notifications as noted above; the Chief and Assistant Chiefs may also authorize such notifications. On-scene officers and supervisors should relay pertinent information as quickly and thoroughly as possible to see if notifications are warranted. If an incident also calls for an Amber or Silver Alert, it shall be initiated immediately and in addition to LBKAlert notifications.

Such LBKAlert notifications will be activated by Communications Center supervisors or designee, or by authorized Support Services Bureau personnel. Official IPAWS Government notifications for certain incidents (severe weather warnings, active shooters, mass casualty incidents, etc.) can only be activated by authorized EOC personnel and should be relayed to the Director of the Office of Emergency Management or designee as approved by Executive or Command Staff; such notifications will still be sent by authorized LPD personnel as quickly as possible via LBKAlert in addition to IPAWS notifications.

Commanders will ensure the Chief, Assistant Chiefs and PIO are timely notified of all such LBKAlert notifications, and that Original or Supplement reports fully document the system's use. Communications Center personnel will also log LBKAlert usage on applicable callsheets.

12.03.003 USE. Executive and Command Staff will consider the following before authorizing LBKAlert notifications. They may also consult and coordinate with personnel from other Bureaus or Divisions, to include on-call investigators/supervisors and the PIO as needed. They should also consider if geographically-targeted or city-wide notifications, and if text-only or text-and-voice notifications, are appropriate given the totality of the circumstances:

- A. Incidents that will likely impact public safety (active shooter, SWAT/barricaded subject situations, armed robbery, kidnapping, missing/endangered persons, major accidents or mass incidents that dangerously block roadways or that may cause prolonged and significant traffic congestion, etc.);
- B. Missing persons considered to be endangered because of impaired decision making – regardless of age – due to a physician’s diagnosis;
- C. Missing juveniles/children where the circumstances are so that a notification might aid in finding them; or
- D. Missing persons where sufficient evidence exists to believe they are endangered and/or at risk of physical injury or death due to the totality of the circumstances (age, time of day, health conditions, environmental and terrain conditions, severe weather, suspicious circumstances, etc.).

12.03.004 PERSONAL INFORMATION. If a missing person notification is authorized, the person’s full name, age, picture, and last known address/location may be used in the notification in addition to any other available pertinent information for the sole purpose of seeking the public’s help in finding the person.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 13

13.00 BLOOD BORNE DISEASES

13.00.001 PURPOSE: To provide guidelines and information about dealing with exposure to blood borne diseases, including HIV/AIDS and Hepatitis, and the confidentiality rights of persons who have, or are believed to have, contracted these diseases.

13.00.002 POLICY. The LPD provides safety procedures and information for its staff to minimize their risk of contracting certain blood borne diseases. The LPD protects the confidentiality of medical information regarding blood borne diseases.

13.01 INFECTION CONTROL

13.01.001 GROUP I SUBSTANCES are blood, semen, vaginal secretions and fluids surrounding fetuses, the brain, spinal cord, joints, heart, abdominal cavity and lungs.

13.01.002 GROUP II SUBSTANCES are those other than Group I such as feces, mucus, saliva, sweat, tears, urine and vomit.

13.01.003 BLOOD BORNE DISEASES are those transmitted through contact with body fluids from an infected person.

13.02 INFECTION CONTROL SUPPLIES

13.02.001 FIELD SERVICES AND CRIME SCENE IDENTIFICATION UNIT VEHICLES. Field Services officers and Crime Scene Identification Unit investigators will stock their assigned vehicles with a First-Aid/Clean-up kit and a substantially-full roll of LPD issued paper towels. They will replace used supplies as soon as possible.

13.02.002 FIRST-AID/CLEAN-UP KITS will be stocked with proper supplies as determined by the Field Services Bureau Chief, and will be readily available from the Field Services Management Assistant. A list of proper supplies will be posted in the Field Services supply room.

13.02.003 SERGEANTS' ADDITIONAL SUPPLIES. Field Services Sergeants will also carry one sharps container for collecting syringes and one 15 ounce container of fluid encapsulation agent for large areas.

13.02.004 INSPECTION. Supervisors will inspect their officers' First-Aid/Clean-up kits for adequate supplies during each vehicle inspection.

13.02.005 PROCEDURES. Employees dealing with Group I or II substances, especially Group I, should:

- A. Use the appropriate protective equipment – latex gloves, visor/mask fluid shield and CPR Microshield;
- B. Immediately and thoroughly wash skin surfaces and mucous membranes contacting the substance, including hands after removing gloves;
- C. Use alcohol wipes, towelettes, waterless cleanser, plain water, soap, etc., or any clean paper or cloth until thorough washing is possible;
- D. Not recap, bend or break used needles, or remove them from syringes; and
- E. Dispose of needles and other sharp items in the sharps containers Sergeants carry.

13.02.006 DISPOSAL. Protective equipment will not be reused. Contaminated equipment, filled sharps containers and collected biohazardous waste will be taken to the COL Health Department for disposal. These items will not be disposed of in any other way.

13.03 REPORTING PROCEDURES

13.03.001 OCCUPATIONAL EXPOSURE. An employee is considered exposed to a blood borne disease if they have been bitten by a person, stuck by a used syringe, contacted blood or contacted body fluids while performing their duties.

13.03.002 SUPERVISOR NOTIFICATION. Employees will immediately notify an on-duty supervisor of any occupational exposure.

13.03.003 SUPERVISORS will have all necessary reports and injury forms completed and emailed to the appropriate person within 12 hours of the exposure. First Aid Authorization slips must be submitted to COL Risk Management within 48 hours.

13.03.004 WORKERS' COMPENSATION. To qualify for Workers' Compensation benefits, employees who claim occupational exposure must:

- A. Be tested for diseases not more than ten days after an exposure;
- B. Provide COL Risk Management with documentation that the employee tested negative for any reportable disease; and
- C. Provide COL Risk Management with a sworn affidavit with the date and circumstances of their exposure.

Any testing is completely voluntary.

13.03.005 CRIMINAL CHARGES FROM EXPOSURE. Officers who suspect a person intentionally exposed them to HIV/AIDS or Hepatitis must immediately have the exposure documented in a Crime Report while complying with the restrictions in 13.04. Investigating officers must read the suspect their Miranda Warning and inform him or her that the results of a blood test could be used against him or her before asking the suspect for a voluntary blood test for these diseases.

13.03.006 MANDATORY TESTING OF PERSONS SUSPECTED OF EXPOSING OFFICERS. If a suspect refuses a voluntary blood test, the exposed person must present a sworn affidavit to the COL Health Department explaining the reasons for requesting a mandatory test. A qualified Health Department representative will review the request and inform the exposed person whether the exposure establishes a risk of infection.

If the Health Department representative agrees the exposure establishes a risk of infection, he or she will order the suspect to submit to a blood test. If the suspect refuses, the Health Department representative may ask the District Attorney to petition a district court for a hearing on the order.

If the court finds that exposure occurred and presents a possible risk of infection, the court will order the suspect tested.

The court may assess court costs against the person requesting the test if the court finds there was not reasonable cause for the request.

13.04 CONFIDENTIALITY

13.04.001 MEDICAL INFORMATION regarding test results and information about any person's HIV/AIDS status, is strictly confidential.

- 13.04.002 RELEASE OF HIV/AIDS STATUS.** Staff will not release information about any person's HIV/AIDS status without written and signed permission from that person specifically naming the person or department to which they authorize the release. Unauthorized release is a Class A misdemeanor.
- 13.04.003 INFORMATION IN REPORTS.** If information about a person's HIV/AIDS status is relevant to an investigation, officers will document that information in Supplement Reports.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 14

14.00 OFF-DUTY EMPLOYMENT

14.00.001 PURPOSE: To provide a fair and equitable system for assigning departmental overtime and law enforcement related off-duty employment, to set clear chains of command and responsibilities for law enforcement related off-duty employment, to limit the amount of law enforcement related off-duty employment LPD officers may work and to regulate the type of off-duty employment LPD staff may engage in.

14.00.002 POLICY. The LPD has a vested interest in its staff's off-duty employment since their conduct and performance reflect on the LPD and COL regardless of their duty status. Employees' primary employment responsibilities are to the LPD and the citizens of Lubbock. Off-duty employment is a privilege granted by the Chief, and the LPD will regulate this employment to protect the LPD, its employees and the citizens of Lubbock.

14.01 GENERAL PROVISIONS

14.01.001 LPD AUTHORITY always prevails over an outside employer's regarding officers' police powers. Officers will enforce City ordinances and state laws regardless of an outside employer's wishes. Officers will follow all LPD policies, procedures and rules while working off-duty employment. All LPD staff must respond when called to report for official LPD duty.

14.01.002 OFF-DUTY EMPLOYMENT COORDINATOR (OEC) is a supervisor designated by the Chief to coordinate the off-duty employment of sworn personnel.

14.01.003 CLASSIFICATION. Off-duty employment is either Outside Employment or City Overtime Employment. The Chief will determine whether a position is Outside Employment or City Overtime Employment.

14.01.004 ON-DUTY ASSISTANCE. Officers working off-duty employment will call on-duty officers for major incidents such as homicides, aggravated robberies, serious injury aggravated assaults, kidnappings, etc. Officers working off-duty employment will follow LPD policies and procedures for the incident until relieved by on-duty officers. Supervisors working off-duty employment are in charge at these incidents until relieved by on-duty supervisors.

On-duty officers assigned to these incidents will make appropriate Crime Reports and take custody of any arrestees or evidence. Officers working off-duty employment will make appropriate Supplement Reports.

14.01.005 UNIFORM WEAR. Officers may wear LPD uniforms while working off-duty employment. They will wear only complete, regular duty uniforms in accordance with the LPD Uniform Regulations Manual. The LPD Class B uniform is the standard uniform for off-duty employment unless an Assistant Chief determines a different uniform is more appropriate for the specific employment.

Assistant Chiefs will indicate the authorized uniform on approved Outside Employment permits and will communicate the authorized uniform through the OEC for City Overtime Employment.

Officers will not wear partial uniforms or identifiable uniform items with civilian clothing while working off-duty employment, nor will they wear casual shirts identifying them as police officers. Officers not in uniform will keep their badges and any firearms concealed.

14.02 OUTSIDE EMPLOYMENT

14.02.001 DEFINED. Outside Employment is either law enforcement related or non-law enforcement related.

- A. Law enforcement related Outside Employment is employment by entities other than the City that requires officers to use their police powers. It also typically lasts at least seven days or occurs annually and may require some specialized training. This includes, but is not limited to, business and apartment security, some South Plains Fair positions and LISD school facilitators.
- B. Non-law enforcement related Outside Employment is employment of LPD staff by entities other than the City that does not require law enforcement authority and includes private business ownership. LPD staff will not operate or have ownership in businesses for which employment is prohibited under 14.04.001.

Business ownership for the purpose of this policy includes, but may not be limited to, full or partial interest in limited liability corporations, corporations (both C and S), cooperatives, partnerships, franchises and activities requiring a City business permit to operate. Merely receiving income from property ownership, services performed, royalty rights, etc. that are not prohibited under 14.04.001 is not considered business ownership with regard to this policy.

C. Membership in the Armed Forces Reserves or the National Guard is not considered Outside Employment.

14.02.002 PERMITS REQUIRED. LPD staff must have a current Outside Employment permit prior to working Outside Employment. Staff will fully and accurately complete separate permit applications for each job.

14.02.003 PERMIT APPROVAL. LPD staff must have an approved permit from their Assistant Chief BEFORE working Outside Employment. The permit approval process is as follows:

A. LPD staff will submit permit applications to their immediate supervisor.

B. Permit applications will then be forwarded through the employee's regular chain-of-command for recommendations of approval or denial. Assistant Chiefs will make final decisions.

C. Immediate supervisors should review employees' current approved permits, Professional Standards records and efficiency reports before making recommendations.

D. Assistant Chiefs will send copies of final permits to the employee, the Chief's office and the officer's commander. The Chief's office and commanders will keep these records for two years.

14.02.004 DENIAL. Supervisors may recommend permit denial, and Assistant Chiefs may deny permits, when it reasonably appears Outside Employment may interfere, or has interfered, with on-duty job performance; an officer's Professional Standards record indicates denial is reasonable because of disciplinary issues related to Outside employment; or denial is reasonable under section 14.04.

With regard to permits submitted for private business, employees will be reminded by their chain-of-command that their LPD employment must remain their first priority because of the responsibility the LPD has to the citizens of Lubbock.

14.02.005 RENEWAL. Employees must submit applications for permit renewal to their immediate supervisors by June 15th of each year. Supervisors will promptly process and send the applications to the appropriate Assistant Chief by June 22nd. Approved permits become effective July 1st and expire June 30th of the following year.

Rather than denial of permits for private business ownership previously approved, documentation of interference with on-duty job performance will be made and, when appropriate, disciplinary measures will be taken for

poor or inadequate performance on-duty, excessive absenteeism, performing Outside Employment while on-duty, etc.

14.02.006 SUSPENSION OR REVOCATION. Supervisors may recommend permit suspension or revocation, and Assistant Chiefs may suspend or revoke permits, for violations of LPD policy related to Outside Employment or when Outside Employment measurably interferes with on-duty job performance. Supervisors will send such recommendations to their Assistant Chief for final decisions.

Rather than suspension or revocation of permits for private business ownership, documentation of interference with on-duty job performance will be made and, when appropriate, disciplinary measures will be taken for poor or inadequate performance on-duty, excessive absenteeism, performing Outside Employment while on-duty, etc.

14.02.007 COORDINATION of law enforcement related Outside Employment will be as follows:

- A. Businesses wishing to hire a specific officer for law enforcement related Outside Employment may do so with approval of the officer's chain-of-command.
- B. Officers already employed for law enforcement related Outside Employment by businesses may announce vacancies and hire officers for them in accordance with this policy and with the approval of the business.
- C. Notwithstanding A and B above, LPD staff will refer non-specific requests for law enforcement related Outside Employment, including requests for new employment and vacancies in existing employment, to the OEC. They will refer after-hours emergency requests to the on-duty Watch Commander. Watch Commanders may refuse requests that could have been arranged during business hours. The OEC or a Watch Commander may staff emergency requests according to 14.03.002 or by email broadcast.

14.02.008 NEGOTIATING CHANGES IN TERMS OF EMPLOYMENT. Officers working law enforcement related Outside Employment may negotiate changes in pay, schedules, etc. Negotiated changes should be reported to the OEC.

14.03 CITY OVERTIME EMPLOYMENT

14.03.001 DEFINED. City Overtime Employment is employment of sworn officers by the City that includes:

- A. Inside security or traffic direction at public events such as concerts, sporting events, South Plains Fair, 4th on Broadway, Fiestas, etc. that only require officers' presence but not specialized training; and
- B. Employment lasting less than seven days that usually results from special situations or emergencies requiring police presence.

14.03.002 CITY OVERTIME EMPLOYMENT ASSIGNMENTS. Officers wanting to work City Overtime Employment will submit a request form to the OEC by the 20th of the preceding month. The OEC will assign an officer to one event and will not assign the officer to another event until all available officers are assigned. The OEC will notify officers when they are assigned City Overtime Employment.

14.03.003 CITY OVERTIME EMPLOYMENT COORDINATION. LPD staff will refer requests for City Overtime Employment, including requests for new employment and vacancies in existing employment, to the OEC. They will refer after-hours emergency requests to the on-duty Watch Commander. Watch Commanders may refuse requests that could have been arranged during business hours. The OEC or a Watch Commander may staff emergency requests according to 14.03.002 or by email broadcast.

14.03.004 SUBSTITUTIONS. Officers who cannot work a City Overtime Employment assignment as agreed because of situations beyond their control will find another officer to substitute for them and notify the OEC. The substitute officer will notify the officer in charge of the assignment. Officers who miss City Overtime Employment assignments without finding substitutes may be suspended from future City Overtime Employment assignments.

14.03.005 CITY OVERTIME EMPLOYMENT PAY is at officers' applicable overtime rate and paid through the COL payroll process.

Officers working these assignments will submit the required documentation to the OEC. The OEC will submit the hours to Payroll and bill an employer as necessary at the rate designated by the Chief.

14.03.006 EVENT STAFFING LEVELS. The Field Services Bureau Assistant Chief or designee will determine the number of officers as well as any supervisor to officer ratio required to staff events.

14.04 PROHIBITIONS

- 14.04.001 TYPES OF EMPLOYMENT.** LPD staff will not work any employment that may be thought to conflict with their LPD duties or that threatens the dignity or integrity of the LPD. This includes but is not limited to:
- A. Debt collection;
 - B. Property repossession;
 - C. Private investigation or working for a person or agency with a private investigator's license;
 - D. Anywhere the primary business is alcoholic drink sales;
 - E. Sexually oriented businesses; or
 - F. Anywhere that could contradict an LPD or other government agency investigation.
- 14.04.002 ON DUTY ACTIVITY.** LPD staff will not use on duty time for anything related to Outside Employment unless required by their duty assignment.
- 14.04.003 SUSPENSION.** LPD staff will not work law enforcement related Outside Employment or City Overtime Employment while suspended or on administrative leave.
- 14.04.004 PROBATIONARY OFFICERS** may work City Overtime Employment but not Outside Employment (other than approved private businesses owned prior to their employment). Those in the Field Training Officer program will not work City Overtime Employment unless approved by their Assistant Chief.
- 14.04.005 SICK/INJURY/FAMILY MEDICAL LEAVE OR LIGHT DUTY.** Officers on sick, injury, or family medical leave or on light duty will not work law enforcement related Outside Employment or City Overtime Employment unless their Assistant Chief approves.
- 14.04.006 OUTSIDE JURISDICTION.** Officers will not work law enforcement related Outside Employment unless the job originates or terminates in the City.
- 14.04.007 WORK LIMITS.** Officers will not work more than 16 hours of combined on-duty and law enforcement related Outside Employment hours in a 24-hour period and will not work more than 80 hours of combined on duty and law enforcement related Outside Employment hours in a one week period unless a commander approves otherwise.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 15

15.00 LESS-LETHAL IMPACT PROJECTILES

15.00.001 PURPOSE: To give guidelines for using Less-Lethal Impact Projectiles.

15.00.002 POLICY. The LPD recognizes that certain combative, armed and/or violent persons may require officers to use special training and equipment to effectively bring incidents under control while protecting the lives of the public and officers. The LPD utilizes less-lethal impact projectiles to help officers de-escalate potentially violent confrontations when possible. Officers must use them according to this chapter and LPD Use of Force policy.

15.00.003 LESS-LETHAL IMPACT PROJECTILES are LPD issued projectiles intended to encourage compliance, overcome resistance or preclude the use of deadly force without a significant potential for causing death.

15.01 AUTHORIZED DELIVERY SYSTEMS

15.01.001 MULTIPLE ROUND LAUNCHERS for Special Weapons and Tactics Team members will be loaded and deployed only by officers who have trained and qualified with these systems.

15.01.002 DEDICATED SHOTGUNS may be carried by officers specifically trained to use 12-gauge, less-lethal rounds. Shotguns dedicated to less-lethal use will have colored stocks that clearly show officers that the weapon is for less-lethal purposes. Officers will carry these shotguns loaded with less-lethal impact rounds and will not carry a lethal shotgun or lethal shotgun rounds. Sergeants will confirm this during routine vehicle inspections.

15.02 PROTOCOL FOR USE

15.02.001 AUTHORIZED USE. Officers may use these rounds when:

- A. Persons are threatening others or themselves with weapons;
- B. Persons are too dangerous for OC spray or batons because of their size, strength, mental condition or aggression;

- C. Tasers are appropriate but not available, have failed or would require approaching dangerously close to the person; or
- D. Deadly force may be justified but there is time and opportunity to first try less-lethal rounds.

15.02.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

15.02.003 **TARGET AREAS.** If practical, under the total circumstances of the situation, officers should target areas with the least potential for injury before targeting areas with increased potential for injury. Officers should remember a person's size, their clothing and the distance from which less-lethal rounds are fired may affect the potential for injury.

The PR-24 training chart is the LPD guide to determine target areas based on potential for injury.

- A. Green Areas: Officers will target these when minimum potential for injury is the appropriate response.
- B. Yellow/Red Areas: Officers will target these when higher levels of force are reasonable, recognizing an increased potential for serious injury or death.
- C. Head and Neck: Officers will not target these unless deadly force is authorized.

15.02.004 **EFFECTIVENESS.** Officers will evaluate the effectiveness of each round fired. Compliance and/or incapacitation are the goals and officers will consider alternative target areas when rounds are not effective.

15.02.005 **AFTER FIRING** less-lethal rounds that have caused immediately apparent serious bodily injury or death, officers will comply with applicable sections of the LPD General Manual, notably Chapter 6 in notification, reporting and investigation requirements.

15.02.006 **AFTER FIRING** less-lethal rounds that have not caused immediately apparent serious bodily injury or death, the following actions will be taken in addition to other requirements in the LPD General Manual:

- A. Officers will immediately notify a supervisor, protect the scene and request EMS. They will have anyone struck by less-lethal rounds taken to a hospital for medical evaluation.

- B. Supervisors will respond to the scene, inspect the discharged weapon for policy compliance and protect the scene pending the results of the medical evaluation. They will have Crime Scene Officers process the scene for evidence and notify the Watch Commander.
- C. In addition to other reporting requirements, officers will report the use of force in the Internal Affairs software system, and the incident will be reported and reviewed in accordance with LPD General Manual 6.01.012.

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 16

16.00 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.00.001 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.00.002 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01.001 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01.002 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01.003 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01.004 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.01.005 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.02 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.02.001 *Excepted by TX Attorney General letter ruling OR2017-20972*

16.02.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.02.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.02.004 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.02.005 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.03 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.03.001 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.03.002 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.03.003 ***Excepted by TX Attorney General letter ruling OR2017-20972***

16.04 ***Excepted by TX Attorney General letter ruling OR2017-20972***

GENERAL POLICY AND PROCEDURE MANUAL

CHAPTER 17

17.00 TASERS

17.00.001 PURPOSE: To give guidelines for using the Taser Conducted Electrical Weapon.

17.00.002 POLICY. Officers may use Tasers according to this chapter, their training and LPD Use of Force policy. The LPD believes that Tasers allow officers to quickly and effectively overcome resistance, which reduces the risk of serious injuries to the public, officers and subjects.

Tasers are a higher level, though less-lethal, use of force. Their use is only appropriate when officers have probable cause to arrest or otherwise take a subject into custody.

17.00.003 TASERS AND CARTRIDGES are LPD issued.

17.01 USE

17.01.001 CARRYING. Officers carrying Tasers on their belts must do so on the side opposite from their handguns.

17.01.002 *Excepted by TX Attorney General letter ruling OR2017-20972*

17.01.003 CENTRAL INFORMATION DISPLAY (CID). During an application cycle, the CID displays a countdown from “5” to “0”, indicating the number of seconds remaining in the cycle. This countdown will only reset if the officer releases the trigger.

17.01.004 *Excepted by TX Attorney General letter ruling OR2017-20972*

17.01.005 NUMBER AND DURATION OF APPLICATIONS. Officers should minimize the number and duration of applications as reasonable under the total circumstances of the situation.

17.01.006 *Excepted by TX Attorney General letter ruling OR2017-20972*

17.01.007 ***Excepted by TX Attorney General letter ruling OR2017-20972***

17.01.008 ***Excepted by TX Attorney General letter ruling OR2017-20972***

17.01.009 **MEDICAL TREATMENT.** If feasible, officers should call Emergency Medical Services (EMS) immediately when encountering a high risk person.

Officers will call EMS if they have used Tasers on a high risk person; if a probe has lodged in a sensitive area (head, neck, groin, female breast); or, if a person has received multiple or extended applications.

17.01.010 ***Excepted by TX Attorney General letter ruling OR2017-20972***

17.01.011 **EVIDENCE.** Officers will secure expended cartridges, probes and AFIDs as evidence, and process them according to LPD policy.

17.02 **UPKEEP AND CARE**

17.02.001 **COMMANDERS** will maintain spare Tasers and associated supplies for their personnel.

17.02.002 **TRAINING UPDATES.** Taser instructors will check www.taser.com every six months for the latest updates and email updates to all officers. Taser instructors will also check for updates before training sessions.

17.02.003 **DATA DOWNLOADS.** The assigned Academy officer will download and file data from Tasers before sending them for repair. The Office of Professional Standards will download and file data for Internal Affairs and administrative investigations. The Crime Scene Identification Unit will download and file data for criminal investigations as required, and handle it as evidence.

RULES

CHAPTER 1

R1.00 ORGANIZATIONAL RESPONSIBILITY

R1.00.001 PURPOSE: To provide rules for LPD staff governing various responsibilities and conduct not addressed elsewhere.

R1.01 RULES, POLICIES, PROCEDURES, LAWS AND ORDERS

R1.01.001 DUTY TO KNOW/FOLLOW. Staff will know and follow all LPD, COL and Civil Service Commission rules, policies and procedures.

R1.01.002 TRAINING ADHERENCE. Officers shall follow, adhere to and comply with all LPD Training Division sponsored or sanctioned training.

R1.01.003 DUTY TO OBEY/ENFORCE LAW. Staff will obey all federal, state and local statutes and regulations. They will comply with all mandatory enforcement laws and regulations.

R1.01.004 CONSPIRACY/ATTEMPT. The LPD may discipline staff who attempt to violate, or knowingly conspire with anyone to violate, an LPD or COL rule, policy or procedure as if they committed the violation.

R1.01.005 SUPERVISORS will enforce all LPD and COL rules, policies and procedures. They will take appropriate corrective action against violations, no matter by whom.

Supervisors are accountable for their subordinates.

Supervisory personnel will assist the professional development of subordinates and will provide positive examples of quality leadership.

R1.01.006 DUTY TO OBEY ORDERS. Staff will obey all proper orders from senior staff or another acting in that capacity. This includes orders staff relay from a supervisor.

R1.01.007 CONFLICTING ORDERS. Staff receiving orders that conflict with previous orders will respectfully inform the supervisor giving the latter order. That supervisor will determine which order stands and will take responsibility for the consequences.

R1.01.008 IMPROPER ORDERS. Staff receiving orders they believe are improper should obey the orders and question them later. If they believe orders are

illegal or would result in unreasonable risk of injury or property damage, they should immediately notify a higher-ranking supervisor.

R1.01.009 INSUBORDINATION. Staff will not, by acts, speech or omissions, show unwillingness to submit to supervisors' authority, disobey direct orders or show disrespect to supervisors.

R1.02 GENERAL DUTY

R1.02.001 SUBJECT TO CALL. The LPD may call staff to duty at any time regardless of their regular duty time.

R1.02.002 CELL PHONE/HOME ADDRESS. Staff must have cellular telephone service with text messaging capability and will register their current cell phone number and carrier, as well as their home address, with the Chief's office. They will report any changes to the Support Services Bureau Administrative Assistant within 24 hours, who will ensure timely update of all necessary personnel databases. Staff will also keep their contact information current in the City's internal mass notification system (LBKAlert).

Staff will always keep their cell phones activated and nearby, whether on duty or off, unless they are out of town or have made other arrangements through their chain-of-command. Staff will promptly respond to LPD initiated phone calls or text messages.

R1.02.003 ABSENCE WITHOUT LEAVE. Staff must have supervisor approval to miss, or leave, a duty assignment.

R1.02.004 TRADING SHIFTS. Staff must have their Assistant Chief's approval to work a regular duty assignment for another staff member or have another staff member work a regular duty assignment for them.

R1.02.005 BEARING/ALERTNESS. Staff will always carry themselves professionally. On-duty staff will stay alert, observant and occupied with LPD business. Studying for promotional exams while on-duty constitutes a "valid reason" under Civil Service statutes for a promotional bypass.

R1.02.006 DUTY TO RESPOND. Officers will respond to any situation requiring the police and take reasonable, legal action to preserve the public peace, protect life and property or perform any other police function. On-duty officers will respond to, and complete, assigned calls without undue delay.

R1.02.007 DUTY TO MAKE REPORT. Officers will fully document complete and proper crime and incident reports in order to:

- A. Accurately classify and identify all elements of reported or investigated crimes;
- B. Fully document reasonable suspicion, probable cause, use of force and authority for detentions, arrests, searches and seizures;
- C. Fully document injuries of prisoners or persons in custody, forced entry, or property damage or loss;
- D. Fully document their involvement in any situation requiring a report; and
- E. Identify all involved parties.

Officers will only document detailed medical information, including information related to medical prognoses and suicide information, in Supplement Reports. They will make other reports with details as required on the correct form. They will submit reports to a supervisor for approval immediately after completion and before they go out of service. They will not hold reports until their next shift.

Detectives and Corporals do not require supervisor approval for non-arrest reports but may not approve reports for Patrol Officers. Detectives and Corporals will not subrogate themselves in place of Patrol Officers making a report for the purpose of circumventing this policy.

R1.02.008 SUPERVISOR REPORT DUTIES. Supervisors will:

- A. Review all reports submitted to them for officers' compliance with R1.02.007 and all other LPD policies;
- B. Have submitting officers correct any deficiencies or errors;
- C. Approve the reports without undue delay;
- D. Ensure their Squad members' reports are completed, corrected and approved without undue delay; and
- E. If reviewing a report for another supervisor's officer, notify that supervisor of serious or recurring deficiencies.

Supervisors hold responsibility for reports they approve, and are responsible for their Squad members' reports that are not completed, corrected and approved in a timely manner.

R1.02.009 CASE MANAGEMENT DUTIES. Detectives and officers assigned to investigative duties will ensure their assigned cases are managed adequately, to include timely and accurate investigations and case closures.

Supervisors that oversee case management will ensure cases are correctly assigned and properly managed. They are responsible and accountable for their subordinates' case management, to include timely and accurate investigations and case closures.

R1.02.010 WITHHOLDING INFORMATION. Staff will not intentionally withhold information related to actual or suspected crimes when that information might prevent a crime, aid an investigation or prosecution or expedite an arrest. They will not intentionally withhold information related to Internal Affairs investigations.

R1.02.011 DUTY TO PROVIDE ASSISTANCE. Staff will try to assist persons with problems or questions, even if unrelated to their normal duties.

R1.02.012 BADGE/IDENTIFICATION CARD. Officers in the City must have their badge and identification card with them whenever feasible.

R1.02.013 REQUESTS FOR NAME/BADGE NUMBER. Staff will politely give their name and badge number to anyone who asks, unless it hinders their duties or a supervisor tells them otherwise.

R1.02.014 RECORDS REQUESTS. Staff who receive requests for LPD records (via Open Records Requests, subpoenas *duces tecum*, etc.) will IMMEDIATELY submit them to the Administration Division Commander or designee for proper handling and disposition. Exceptions, including procedures for routine intra-agency requests, are at the discretion of the Administration Division Commander.

R1.02.015 SALUTE TO FLAG/NATIONAL ANTHEM. Uniformed officers wearing headgear will come to attention and salute the United States flag and National Anthem with the military hand salute unless performing official duties requiring immediate attention. All officers without headgear will come to attention and place their right hands over their hearts.

R1.02.016 EMAIL AND POWERDMS. At least once per working day or watch, staff will check their City email, and will be responsive in a timely fashion.

Staff will also check their PowerDMS as soon as feasible, but no later than the next working day or watch, when notified of PowerDMS updates requiring their electronic signature as acknowledgement of receipt. They

will complete such acknowledgement of receipts as soon as possible. PowerDMS houses all official copies of LPD policies, procedures, and forms; no other variations of such documents will be used nor accepted without specific exceptions (i.e. Promotional Exam study, etc.)

R1.03 PERSONAL CONDUCT

- R1.03.001 GENERAL CONDUCT.** Staff, whether on-duty or off-duty, will not discredit themselves or the LPD, nor impair LPD operations by their conduct.
- R1.03.002 COWARDICE.** Officers will not abandon their duties because of cowardice or danger.
- R1.03.003 DISRUPTIVE CONDUCT.** Staff, whether on-duty or off-duty, will not disrupt the good order or discipline of the LPD by their conduct.
- R1.03.004 PERJURY/MISREPRESENTATION.** Staff will not knowingly or willfully misrepresent any matter, sign any false statement or report or give false testimony before any official body or LPD hearing.
- R1.03.005 RESPECT TO OTHERS.** Staff should be courteous when feasible. They will not verbally abuse, curse at or insult others. They will not intentionally treat another person disrespectfully.
- R1.03.006 REWARD/SPECIAL PRIVILEGE.** Supervisors will not offer or give rewards or special privileges to staff for job performance unless the Chief approves.
- R1.03.007 UNNECESSARY FORCE.** Officers will not use unnecessary force against anyone.
- R1.03.008 INCITING VIOLENCE.** Staff will not do anything to incite anyone to violence.
- R1.03.009 MALICIOUS PROSECUTION.** Officers will not maliciously prosecute anyone.
- R1.03.010 DISCRIMINATION.** Officers will not base any official action on prejudice against anyone's race, color, religion or other classification.
- R1.03.011 ALCOHOL/DRUG USE.** The LPD follows COL policy on alcohol and drug use, except on-duty undercover officers may use alcohol when authorized in official investigations. Staff will not be intoxicated in public at any time.
- R1.03.012 TOBACCO AND VAPING.** Staff will not use tobacco when it is prohibited, offends citizens, forces them to leave their assignment or they are in

formation. Staff will not smoke or use vaping products in any COL facility or vehicle and will not allow suspects, witnesses, victims, visitors, etc. to do either.

R1.03.013 TRANSPORTING PERSONS. Officers transporting persons during the course of their official duties will, if video is available, video the person during transport. They will begin transport notifying Communications of their destination and mileage and end transport by notifying them of their mileage. Dispatchers will respond with the time.

R1.04 CONFLICTS OF INTEREST

R1.04.001 COL POLICY primarily governs conflicts of interest.

R1.04.002 PUBLIC STATEMENTS. Staff will not make public statements about the LPD or an LPD operation, investigation or COL or LPD employee that impairs the good order and discipline of the LPD.

R1.04.003 POLITICS. Staff who are on duty, in uniform or on LPD property will not participate in political activities except to vote or privately express a political opinion.

R1.04.004 CANDIDACY FOR OFFICE. Staff will not be candidates for any office that would be a conflict of interest.

R1.04.005 PROMOTING RELIGIOUS/POLITICAL CAUSES. Staff will not actively promote religious or political causes while on duty, in uniform or on LPD property.

R1.04.006 USE OF POSITION. Staff will not identify themselves as LPD employees when speaking publicly on non-departmental matters.

R1.04.007 MEMBERSHIP IN CERTAIN ORGANIZATIONS. Staff will not be members of any group whose policy advocates violence to deny the constitutional rights of others or unconstitutionally changing the United States or Texas government.

R1.04.008 MEMBERSHIP IN LABOR ORGANIZATIONS. COL policy governs this.

R1.04.009 PARTICIPATION IN PROTEST DEMONSTRATIONS. Staff will not speak for, nor represent, any group engaging in or planning a violent or illegal protest demonstration.

- R1.04.010 COMMISSION FROM OTHER AGENCY.** Staff will not hold deputations or commissions from another law enforcement agency without the Chief's approval.
- R1.04.011 FINANCIAL OBLIGATION.** The LPD may discipline officers under Civil Service statutes and rules for refusal or neglect to pay just debts. Unforeseen medical or other circumstances may mitigate disciplinary action if officers make good faith efforts to pay.
- Supervisors will not accept financial help from a subordinate. Officers may only ask others of their rank to co-sign loans.
- R1.04.012 BUSINESS CARDS.** Staff may use business cards connecting them with the LPD for LPD duties only. They may only include information directly related to the LPD or the employee's duties.
- R1.04.013 DEBT COLLECTION.** Staff will not collect debts or repossess property other than their own. They will not use LPD equipment, credentials or authority for this.
- R1.04.014 OTHER COMPENSATION.** Staff will submit any compensation or gift, other than regular salary, they receive for LPD assigned duties to the Chief's office.
- According to the City Charter, it is a misdemeanor for staff to accept anything of value, directly or indirectly, from any person or business under terms more favorable than those for the general public. Conviction results in loss of employment.
- R1.04.015 GIFTS.** Staff will not offer gifts to supervisors or solicit donations for gifts for anyone without their Assistant Chief's approval.
- R1.04.016 RECOMMENDING SERVICES.** Staff will not recommend any service or business to anyone contacted in the line of duty.
- R1.04.017 SOLICITATION.** Staff will not allow anyone to solicit sales, votes, opinions, etc. on LPD property, or utilizing LPD systems or equipment, without the Chief's approval.
- R1.04.018 ADVERTISING.** Staff will not allow anyone other than the LPD to use their names or images for any advertising if it identifies their LPD employment without the Chief's approval.
- R1.04.019 ASSOCIATION WITH KNOWN OFFENDERS.** Staff will not accept gifts, favors or financial help from known or suspected felons or habitual

offenders. They will not maintain any relationship with these persons unless unavoidable because of family relationships.

R1.04.020 ACTIVITIES INVOLVING STAFF OR FAMILY. Staff will not investigate or be officially connected to any LPD activity involving themselves, their family or property. They will report criminal activity to the appropriate LPD Division.

R1.04.021 CITIZENS RECORDING OFFICERS. Officers shall not interfere with, threaten, intimidate nor otherwise discourage citizens recording or photographing them in public places unless citizens violate laws concerning interfering with officers' duties or they create an imminent safety concern for officers or other citizens. Officers who make an arrest for interfering with their duties in such situations will immediately notify an LPD supervisor.

R1.05 PROPERTY RESPONSIBILITIES

R1.05.001 REPAIR/ALTERATION. Staff will promptly report to the appropriate person when City property needs repair. They will not repair or alter any City property without their Assistant Chief's approval.

R1.05.002 DAMAGE/LOSS. Staff will report damage to or loss of COL vehicles, equipment or property as soon as possible to their supervisor or any on-duty supervisor. Supervisors will complete a COL Industrial Equipment Incident Report within the allotted time and forward such report through their chain-of-command, and they will ensure any other necessary report, such as Crime or Incident Reports, are completed as well. COL policy further governs damage and loss of COL equipment and property.

R1.05.003 CLEANLINESS. Staff will keep their assigned vehicles, equipment and work areas clean.

R1.05.004 UNAUTHORIZED USE. Staff will not allow unauthorized persons to use LPD equipment or property.

R1.06 MISCELLANEOUS RULES

R1.06.001 REPORT AND INVESTIGATION RESPONSIBILITY. The primary officer assigned a call will control the investigation until a supervisor or appropriate investigator relieves them. The primary officer will make the Original Report.

R1.06.002 SENIOR OFFICERS IN CHARGE. When two officers are assigned together, the senior or ranking officer is in charge.

A senior or ranking officer may take charge of a situation when necessary to prevent or remedy an unsafe or improper action. Other officers must comply.

R1.06.003 STAYING ON ZONE. Officers will stay on their assigned zone unless a supervisor or dispatcher gives permission to leave.

R1.06.004 MEAL BREAKS. Officers working shifts may take a meal break every six hours that should not exceed 30 minutes. They will answer any calls for service assigned to them during this time.

R1.06.005 FUNERAL ESCORTS. Supervisors or dispatchers will assign motorcycle units to funeral escorts when available. They may assign marked cars when motorcycles are unavailable but may not assign both to the same escort.

Dispatchers will not assign escorts during icy conditions unless a patrol supervisor determines it is safe.

Officers on escorts will use emergency lights and headlights. They will use lights and sirens through intersections against red traffic lights or stop signs.

R1.06.006 NOTIFYING NEXT OF KIN. The senior supervisor at an incident involving death or serious injury will notify, or have another supervisor notify, the victim's nearest relative as soon as possible. They may have Crisis Team members go with them. Supervisors will use telephone notification only as a last resort.

R1.06.007 NOTIFYING LPD OFFICER'S FAMILY. When an LPD officer suffers a line-of-duty death or serious injury, the senior supervisor at the incident will assign an on-duty supervisor to immediately liaison with the officer's family. This should include an immediate in-person notification of the officer's spouse or other next of kin located within Lubbock County (notifications outside Lubbock County should be teletyped immediately to the agency of jurisdiction), escort or ride assistance, and arranging for support services as needed (Crisis Team, victim services, etc.). Command Staff should also consider temporarily reassigning officers to be the family's designated liaisons as needed.

R1.06.008 PHONE ETIQUETTE. Staff will answer non-emergency phone lines stating their work area followed by their first name or their rank and last name (e.g. "Police Desk, Sergeant Smith;" "Property Crimes, Sally;" "Police Communications, Felix;" "Family Crimes, Detective Johnson," etc.).

Staff who transfer non-emergency phone calls to other LPD or COL work areas should ensure a live person answers the transfer, and *will* announce the caller and reason for the call, before disconnecting. If work areas are

closed for business or connection with a live person is otherwise not possible, staff will politely explain this to the caller and offer to either take a message or to transfer to voice mail. Taking messages is preferred, and messages will be delivered in person, or by email or text, to the intended recipient in a timely manner.

R1.06.009 SICK LEAVE. Use of sick leave is dictated by applicable Civil Service rules and regulations, and COL policy. Supervisors will monitor staff sick leave use and will consult with Human Resources on identifying sick leave abuse and appropriate procedures and methods to address it when abuse is suspected. Supervisors of staff on extended sick leave (more than four consecutive days) will call them at least weekly and check on their return to work prognosis and timing.

RULES

CHAPTER 2

R2.00 SOCIAL MEDIA

R2.00.001 PURPOSE: To provide guidance for department social media use, management, administration and oversight, and to guide LPD employees in personally using social media in responsible ways that do not reflect negatively on themselves and do not negatively affect the LPD. These Rules are not meant to address one particular form of social media, rather social media in generally and socially accepted terms, as advances in technology occur and new social media platforms/applications emerge.

Staff are cautioned that they could be publicly-identified LPD employees on social media even without their intent and/or knowledge; that the LPD may monitor any information or postings on any publicly-accessible social media site or forum at any time without prior notice; that speech of publicly-identified LPD employees, whether on- or off-duty and owes its existence to the employee's duties and responsibilities, is not protected speech under the First Amendment; and that engaging in prohibited speech noted herein may provide grounds for undermining or impeaching testimony in criminal proceedings, thereby subjecting them to disciplinary action up to and including indefinite suspension. It is *safest* and within *best practices* for all staff to assume they are publicly-identified LPD employees, to assume that their social media activity is public, to use social media understanding the inherent risks and to adhere to a higher degree of care regarding social media activity that accompanies their statuses as LPD employees and that may reflect upon the LPD.

R2.01 DEPARTMENT SOCIAL MEDIA

R2.01.001 ADMINISTRATION. All department social media sites shall be approved by the Chief or Support Services Bureau Chief, and administration and content shall be managed by the PIO and authorized personnel in the Support Services Bureau. Only the PIO, PIO designee and authorized Support Services Bureau personnel will use social media to officially represent the LPD.

R2.01.002 CONTENT will adhere to applicable laws, regulations, procedures and policies, including but not limited to open records, public information, records retention, trademark/copyright, Civil Service Rules and Regulations, and COL and LPD policies and rules. Content should adhere to the following:

- A. Introductory statements that clearly specify the purpose and scope of the LPD's presence on the site;
- B. Links to the LPD's official website and news release website;
- C. Be designed for target audiences (youth, police recruits, etc.);
- D. Clearly state that they are maintained by the LPD;
- E. Have LPD contact information prominently displayed;
- F. Statements that opinions expressed by visitors to the sites do not reflect the opinions of the LPD and posted comments will be monitored for content;
- G. Clearly state that any content posted or submitted for posting is subject to public disclosure; and
- H. Clearly state that these sites are for non-emergency use only, emergencies should be immediately reported to 9-1-1.

R2.01.003 AUTHORIZED PERSONNEL representing the LPD via social media will:

- A. Conduct themselves at all times as representatives of the LPD and adhere to LPD Rules governing standards of conduct while also observing proper decorum that reflects positively on the LPD;
- B. Identify themselves as members of the LPD and their ranks/roles when appropriate; and
- C. Adhere to all applicable laws, regulations, procedures and policies on release of information.

R2.02 PERSONAL SOCIAL MEDIA

R2.02.001 USE. Employees may personally use social media. In addition, employees may self-identify as LPD employees on social media and use LPD emblems (badges, uniforms, etc.) to do so in a manner that does not reflect negatively upon themselves or the LPD.

R2.02.002 CONTENT. Publicly-identified LPD employees are free to express themselves on social media, however their speech will not impair working relationships of the LPD for which loyalty and confidentiality are important, impede the performance of official duties, impair discipline and harmony among co-workers nor negatively affect the public perception of the LPD.

R2.02.003 RESTRICTIONS. Publicly-identified LPD employees are prohibited from the following on social media:

- A. Speech containing obscene or sexually explicit language;
- B. Images or acts and statements, or other forms of speech, that ridicule, malign, disparage or otherwise express bias against any race, any religion or any protected class of individuals;
- C. Speech involving themselves or other LPD staff reflecting behavior that would reasonably be considered reckless or irresponsible, detrimental to the LPD or a General Manual Policy or Rules violation; and
- D. Information to which they have access as a result of their LPD employment that would violate applicable laws, regulations, policies, procedures or rules.

RULES

CHAPTER 3

R3.00 AUTHORIZED WEAPONS AND RESTRAINTS

R3.00.001 PURPOSE: To provide rules for proper use, carry, display and authorization of all LPD issued weapons and restraints.

R3.00.002 AUTHORIZATION. Only the Chief may authorize weapons and restraints. The Chief may base authorization on staff recommendations. Only weapons with which officers are currently qualified are authorized.

R3.00.003 TRAINING. Officers may only use authorized weapons and restraints after proper training and according to the training.

LPD Firing Range Rules are distributed to all officers and posted conspicuously at the facility; officers will follow all LPD Firing Range Rules at all times when utilizing the Range for any purpose.

R3.00.004 QUALIFICATION. Officers will qualify with Primary-Duty Handguns semi-annually; with other firearms annually; and Tasers and batons as required.

R3.01 AUTHORIZED FIREARMS

R3.01.001 PRIMARY-DUTY HANDGUNS are LPD issued for all officers to carry on duty. No personally owned pistols are authorized for primary duty.

R3.01.002 EXTRA-DUTY HANDGUNS are at least .38 caliber, double-action revolvers with at least two inch barrels and five-shot capacity, or at least .380 caliber semi-automatic pistols. Officers must register extra-duty handguns with the Academy.

R3.01.003 LONG GUNS are shotguns, rifles or tear gas guns specifically issued or authorized.

R3.02 CARRYING FIREARMS

R3.02.001 FIREARM CONDITION. Officers will keep all authorized firearms clean, operable and fully loaded with LPD issued ammunition. Ammunition in extra-duty handguns will be substantially the same as issued ammunition.

R3.02.002 ON-DUTY officers will carry a Primary-Duty Handgun secured in an LPD-approved holster unless otherwise authorized by the Chief. They may carry an Extra-Duty Handgun, also. Undercover officers may carry an Extra-Duty or a Primary-Duty Handgun without an approved holster.

R3.02.003 OFF-DUTY officers driving LPD vehicles will carry, or have immediately available, a Primary-Duty or Extra-Duty Handgun. Otherwise, carrying firearms is optional but encouraged.

R3.02.004 METHOD. Officers will carry firearms so as not to alarm citizens when feasible without compromising officer safety. On-duty officers in civilian clothing will display firearms only when prominently displaying their badge. It is preferable, for a more discrete and professional image, that on-duty officers in civilian clothing not engaged in enforcement action keep their firearms concealed when in public.

Off-duty officers shall carry firearms concealed except when drawing or use is authorized by policy.

Officers will keep all firearms secure, on-duty and off-duty. This includes practicing appropriate firearms safety to prevent Negligent Discharges.

R3.02.005 PROHIBITED. Officers under the influence of alcohol or drugs will not carry firearms.

R3.02.006 DRAWN FIREARMS. Officers that have drawn or made firearms ready for use will not use their firing hand or trigger finger for any function other than proper firearms handling and firing. Officers will holster or otherwise make firearms not ready for use before using their firing hand or trigger finger for any other functions.

R3.03 OTHER AUTHORIZED WEAPONS

R3.03.001 CHEMICAL AGENTS include the spray issued to individual officers and agents available only to the Special Weapons and Tactics Team or Mobile Field Force.

R3.03.002 TASERS AND BATONS are LPD issued.

R3.03.003 CARRYING SPRAY, TASERS AND/OR BATONS. Sergeants, Detectives, Corporals and Patrol Officers working Patrol Watches, or any officer working off-duty employment in uniform, will carry the issued ASP baton and Taser or chemical agent spray on their equipment belt. Those carrying Tasers may opt not to carry the chemical agent spray. Those working Mobile Field Force assignments will carry the issued ASP baton and Taser.

R3.04 AUTHORIZED RESTRAINTS

R3.04.001 HANDCUFFS are LPD issued for all officers to carry on duty. Personally owned handcuffs are authorized if the Academy staff recommends them and the Chief authorizes.

Officers driving LPD vehicles, whether on-duty or off-duty, will carry authorized handcuffs.

R3.04.002 FLEX CUFFS AND LEG RESTRAINTS are LPD issued.

RULES

CHAPTER 4

R4.00 VEHICLE USE

R4.00.001 PURPOSE: To provide rules for on-duty and off-duty, non-emergency LPD vehicle use.

R4.01 FLEET PLAN

R4.01.001 PURPOSE: The LPD may assign vehicles to individual officers for off-duty use in order to:

- A. Increase the number of police units available for call response;
- B. Increase visible police presence within the city;
- C. Improve maintenance through individual responsibility; and
- D. Help protect vehicles from damage due to weather, vandalism and other criminal activity; and
- E. Mobilize fully-equipped off-duty officers directly to points of need in emergencies.

R4.01.002 HOME STORAGE AUTHORIZATION. Officers will request this on the proper form and may not participate until their chain-of-command approves. Assistant Chiefs have final approval. Officers will submit new requests when changing addresses, vehicles or communications equipment.

Supervisors may approve temporary use of spare vehicles when appropriate.

R4.01.003 OFFICERS LIVING OUTSIDE THE CITY will store assigned vehicles inside city limits; however, officers may store vehicles at residences within a reasonable distance of city limits when doing so benefits the Lubbock community and the LPD.

R4.01.004 DRIVING OUTSIDE THE CITY. Officers may only drive LPD vehicles outside the city limits for official LPD business, directly to or from a Lubbock-Cooper or Frenship school district facility when en-route to or from a duty assignment, when in an on-call status and as authorized by the Chief.

Driving city vehicles outside Lubbock County requires official travel authorization under LPD and COL policy.

R4.01.005 LIMITED DUTY/SICK LEAVE/VACATION. Officers on limited duty or sick leave who cannot perform police functions will not drive LPD vehicles. Supervisors of officers on limited duty or extended sick leave will park the officer's vehicle at the LPD until the officer returns to full duty.

Officers gone from the city 15 or more calendar days will park their vehicles at the LPD or an approved location other than home. Supervisors may authorize other officers to drive these vehicles.

R4.01.006 VEHICLE ASSIGNMENT. The Logistics and Finance Division Commander manages the fleet car program and will assign vehicles, coordinate repairs and service and maintain extra keys along with other related functions.

R4.01.007 SPECIAL PRIVILEGES. Off-duty officers will not take special parking or operation privileges with these vehicles.

R4.01.008 UNATTENDED VEHICLES. Officers will lock these and place portable radios and loose weapons in the trunk. They will disable electric trunk releases and fasten auxiliary locks.

R4.01.009 CONDUCT AND APPEARANCE. Off-duty officers using LPD vehicles will follow applicable LPD policies, procedures and rules. They will dress appropriately to effectively perform police duties without criticism by the public. Cut off shorts, tank tops, swim suits, etc., are inappropriate.

R4.01.010 RADIO/MDC. Off-duty officers will monitor the primary channel and will only use the radio or MDC for official LPD business.

R4.01.011 CALL RESPONSE. Off-duty officers in LPD vehicles will respond to felonies-in-progress when closer than on-duty units or when necessary to assist on-duty units.

Off-duty officers in marked vehicles will stop at accidents and assist as needed.

Off-duty officers will take immediate, necessary action and report it appropriately. They should call on-duty units to complete the call.

R4.01.012 PASSENGERS who are not City employees are permitted with off-duty officers. Officers are responsible for their passengers and will leave them at a safe location before responding to potentially dangerous calls. If they cannot, officers may not respond.

R4.01.013 AUTHORIZED OPERATORS. Officers will only allow LPD or service personnel to operate LPD vehicles.

R4.01.014 LOADS. Off-duty officers may only carry items that are not heavy or excessive, and do not protrude from the vehicle.

R4.01.015 OFF-DUTY EMPLOYMENT. Officers may drive LPD vehicles to and from off-duty work. They may not use LPD vehicles as part of off-duty work other than City overtime.

R4.02 GENERAL VEHICLE RULES

R4.02.001 MAINTENANCE RESPONSIBILITY. Officers will properly maintain their assigned vehicles according to the current maintenance procedure. They will report for duty with a substantially full gas tank.

R4.02.002 REPAIRS OR ALTERATIONS. Officers may only make minor repairs such as changing lights, fuses or flats. They will only use approved vendors according to current procedures for repairs not personally made. They will make alterations or add non-issued items only with an Assistant Chief's approval.

Officers may have only two electrical accessories in addition to equipment installed by Radio Shop personnel (MDC, in-car camera, etc.) These accessories must use Direct Current (DC) or connections installed by Radio Shop personnel.

R4.02.003 INSPECTION RESPONSIBILITY. All supervisors will at least quarterly inspect vehicles assigned to their subordinates for:

- A. Proper maintenance, including cleanliness;
- B. Unreported damage;
- C. Unauthorized alterations, weapons or equipment; and
- D. Improperly held evidence or property.

R4.02.004 PASSENGERS. On-duty officers will only carry passengers who are LPD staff or persons connected with officers' official duties. Observers must have prior approval from Captains or above.

R4.02.005 PARKING. Staff will only park where authorized. They will leave the alley between Municipal Court and the north LPD building unblocked unless absolutely necessary.

R4.02.006 DRIVING. Officers will drive safely, responsibly, with due regard for the safety of others and to avoid collisions. They will obey all traffic laws notwithstanding LPD Vehicle Pursuit and Call Response policy.

R4.02.007 ALCOHOLIC BEVERAGES. Other than evidence or for official business, officers will not carry these in City owned or leased vehicles.

RULES

CHAPTER 5

R5.00 COURT APPEARANCES

R5.00.001 PURPOSE: To provide rules for LPD staff participation in duty-related criminal and civil court actions.

R5.01 RESPONSIBILITIES

R5.01.001 INTERFERENCE WITH COURT. Staff will not knowingly interfere with the efficiency or integrity of any court. They will report any interference to their supervisor.

R5.01.002 AVAILABILITY. Staff will be present on time and available to testify in any criminal court, grand jury or administrative hearing in Lubbock County when officially notified to appear.

Staff will only appear in civil court or out-of-county criminal court or grand jury when subpoenaed or with the Chief's approval.

R5.01.003 NOTICE TO APPEAR. Official notice to appear includes legal subpoena, posted docket list or any written or verbal notice from the court or LPD.

R5.01.004 UNABLE TO APPEAR. Staff who are unable to appear for any reason will notify the appropriate court authority with as much advance notice as possible to be excused. They should note the date, time and person excusing them. They will notify a supervisor if they cannot personally contact anyone else and the supervisor will make the notifications.

R5.01.005 LEAVING COURT. Staff will get permission to leave from the prosecuting attorney or grand jury foreman if they have not been officially excused.

R5.01.006 DRESS. Officers, other than Bike Patrol and undercover officers, may wear their duty clothing to unscheduled court appearances. For scheduled court appearances, officers will adhere to court appearance requirements in the Uniform Regulations Manual (specifically U2.01.007 and U7.02.003).

Civilian staff will wear professional and appropriate clothing for court appearances where they officially represent the LPD.

R5.01.007 RECOMMENDATIONS. Staff will make any recommendation for case disposition or penalty in writing through their Assistant Chief.

- R5.01.008 ATTORNEY INTERVIEWS.** In criminal cases, staff will not interview with defense attorneys without approval from their Assistant Chief or the prosecuting attorney. In civil cases, they will not interview with attorneys other than those representing the employee or the City without approval from their Assistant Chief or a City attorney. Officers receiving requests for interviews from attorneys not with the District Attorney's office should consult with their Assistant Chief. Assistant Chiefs should consult with the appropriate attorney before approving interviews.
- R5.01.009 DEFENSE WITNESS.** Staff will notify the appropriate prosecutor as soon as practical before testifying as a defense witness. They will get prior approval from their Assistant Chief before wearing an LPD uniform to testify as a defense witness.
- R5.01.010 LAWSUITS.** Staff who are served documents as defendants in lawsuits due to their official duties will IMMEDIATELY bring the ORIGINAL DOCUMENT to the Administration Division Commander or the Office of Professional Standards Commander. Failure to respond to the suit within the required time could result in a judgment by default against the employee and the City.
- R5.01.011 CIVIL COURT EXPENSES.** Staff subpoenaed in civil cases will ask the party who subpoenaed them to pay expenses.
- R5.01.012 CIVIL COURT APPEARANCES.** Staff will make prior arrangements through their supervisor for time off to appear.
- R5.01.013 MULTIPLE LPD WITNESSES.** Staff will notify their Assistant Chief when several of them have been subpoenaed for one case. The Assistant Chief will coordinate who must go and in what capacity.